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Human Rights Council
Twenty-sixth session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Joint written statement* submitted by the Europe-Third World Centre (CETIM), Franciscans International, non-governmental organizations in General consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[26 May 2014]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.14-04453 (E)
1404453

Please recycle

The Tampakan Copper-Gold Project and Human Rights Violations in the South Cotabato, Philippines[1]

The Tampakan Copper-Gold Project is reportedly the 7th largest undeveloped copper mine in the world,[2] and when operational, it will be one of the largest copper-gold mines in Souteast Asia. Owned by Glencore-Xstrata, with the Australian company Indophil holding a minority stake, the mine is operated by a local subsidiary, Sagittarius Mines, Inc. (SMI). The final oeverall mine area is estimated at around 10,000 hectares (has.) falling within the boundaries of four provinces (South Cotabato, Sarangani, Davao del Sur and Sultan Kudarat), mostly forested and including a substantial portion in the ancestral domains of an indigenous people – the Bla'ans. The open pit of 500 has. would be dug to a depth of 785 meters while the topsoil stockpile would cover an area of 5 has. and the pit ore stockpile 49 has. The company's Environmental Impact Assessment[3] estimated that 5,000 people will be directly affected, most of these indigenous people, and will require re-settlement. The mining project will directly impact five watersheds, around 4,000 hectares of old-growth forest and five ancestral domains of an indigenous people.

Two separate reports, in 2007[4] and 2008,[5] cited the concerns of local stakeholders that the planned mining operation would lead to the pollution of the nearby downstream Lake Buluan and upstream Liguasan Marsh, damaging farmlands and fisheries and seriously impacting the food source for the wider Muslim and indigenous populations while destroying their livelihoods. This eventuality could lead to major social unrest. The 2008 report recommended that mining in the area be banned, considering the risk of pollution, erosion, siltation, and continuing devastating flash floods and landslides. The potential huge negative impact involving food insecurity, seismic geo-hazard and presence of armed conflicts was also cited. In both reports, the absence of *free, prior and informed consent* (FPIC) from the Bla'an people was considered a major issue as the basis for opposition, where FPIC is a legal requirement under the Indigenous Peoples Rights Act (IPRA).

The story of human rights violations in the Tampakan mining project started with the arrival of Western Mining Corporation (WMC), which got the original mining contract for Tampakan in 1995, in partnership with the locally-owned Tampakan Group of Companies (TGC)[6]. Since 1997, WMC has faced challenges to its operations starting with a Supreme Court case. In 2007, Xstrata[7] attempted to start the project. Systemic human rights violations have included displacement, lack of consultation, misinformation, threats and harassment and the failure to secure free, prior and informed consent (FPIC) from the Bla'an people. These were documented in a report submitted to the UN Special Rapporteur on Indigenous Peoples in 2002.[8] Also, in April 2012, a fact-finding mission conducted by the Tampakan Forum[9] established that: 1) Xstrata/SMI had clearly violated the Philippine government's order to refrain from

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[1] This declaration has been drafted in collaboration with Tampakan Forum-Philippines.

[2] Tampakan Copper-Gold Project Economic Benefits, http://www.smi.com.ph/EN/EnvironmentalImpactAssessment/English%20factsheets/Xstrata%20Tampakan%20EconomicBenefits%20Factsheet_web_V5.pdf, accessed May 2014.

[3] Tampakan Copper-Gold Project: Environmental Impact Assessment, SMI, May 2011

[4] Doyle, Wicks and Nally, "Mining in the Philippines – Concerns and Conflicts", Society of St. Columban, 2007, West Midlands, UK.

[5] Goodland and Wicks, "Philippines: Mining or Food?", Working Group on Mining in the Philippines, 2008, London, UK.

[6] WMC transferred this mining agreement to SMI in 2001. IndoPhil bought stakes in 2002. Xstrata gained controlling equity and management control of the Tampakan project in 2007.

[7] At that time, Glencore has not yet completed its take-over of Xstrata.

[8] SAC Marbel "A Report to the United Nation Special Rapporteur on Indigenous Peoples on Human Rights Violations Suffered by Bla'an Community of Bong Banwe Salnaong, Datal Blao, Columbio, Sultan Kudarat, Philippines", report submitted to the UN Special Rapporteur on IPs, 2002.

[9] Tampakan Forum is a coalition of local organizations in South Cotabato and national and international support groups providing technical and other forms of support to the campaign against the Tampakan Copper-

conducting any development activity in the project area while its application for an environmental clearance was still being appealed; 2) heightened presence of military and security forces in the area could be linked to the growing opposition of the Bla'an people to the mining project; 3) human rights violations were committed by the mining company when its road widening project destroyed crops, and farms and houses were burned; 4) at least four incidents of harassment perpetrated by police and military were documented in the first quarter of 2012; 5) freedom of movement was violated by the military imposed curfew in December 2011, and the military presence instilled a fear among Bla'ans of venturing into the forest to gather food and other essentials, as well as impeding the construction of huts or abodes[10]; 6) violation and disruption of cultural practices and religious beliefs.[11]

At least three incidents of extra-judicial killings are directly linked to the mining project. In August 2012, Juvy Capion and her two sons were killed by what military operatives described as an "armed encounter", but evidence points to it being the murder of unarmed civilians. In January 2013, Kitari Capion was killed by elements of a para-military group, on his way home while riding a motorcycle. In October 2013, the highest-ranking elder/leader among the Bla'ans, Anting Freay, was killed by military elements, again invoking a "military encounter". All the victims are families and relatives of Daguil Capion, the Bla'an chief entrusted with defending the ancestral lands, particularly against the entry of the Tampakan mining project. Daguil Capion has been wrongfully tagged as a communist insurgent by the military. The labeling of Bla'an community rights defenders as "insurgents" and "bandits" or criminals is one way that the state justifies the arrests and attacks on the community.

In June 2013, an independent Human Rights Impacts Assessment (HRIA)[12] reported five major drawbacks to the Tampakan mining project: 1. inconsistent information and lack of meaningful participation of the peoples concerned; 2. provision of basic services made dependent on the future of the project[13]; 3. imbalanced power relationship between SMI and affected communities; 4. insufficiency of established grievance mechanisms; and 5. accumulating grievances and triggers of violent conflict. The report also outlined the significant impacts of the mining project on human rights; linked the volatile peace and high-risk security situation to the mining project; noted the high level of marginalization and discrimination against indigenous peoples; and also noted the government failure to fulfill human rights duties.

These cases of harassment and killings have resulted in legal complaints and the filing of cases at the Commission on Human Rights of the Philippines (CHRP), the local courts and military tribunals. In all cases, military elements of Task Force KITACO were accused by survivors, and witnesses were named as perpetrators. Task Force KITACO is a composite group of police, military and civilian defense forces (a para-military group) and was set up as an "Investment Defense Force" (IDF) whose main mission is to protect the mining project. Subsequent Congressional investigations in the Tampakan case revealed that SMI was funding the operations and maintenance of Task Force KITACO.[14]

Gold Mining Project. The forum is convened by the Social Action Center – Marbel Diocese (SAC-Marbel) and secretariat function is provided by the Philippine Misereor Partneship, Inc. (PMPI).

[10]The Bla'ans construct their houses by getting materials from the forests. Since they are either prevented or fearful of entering the forests, they cannot construct, repair or improve their houses.

[11]Such as destruction of sacred burial grounds, intrusion into a place of worship to look for suspected criminals and prevention of the practice of customary beliefs because of military presence in the forests

[12]Hamm, Schax, Scheper: Human Rights Impact Assessment of the Tampakan Copper-Gold Project, 2013, Misereor (Germany) and Fastenopfer (Switzerland).

[13]Xstrata/SMI is fostering dependency among the Bla'ans by providing scholarships, medical supplies and personnel, road networks and livelihoods. These are functions and responsibilities of the local governments and the mining company is providing these services, with the promise that the continuation of such basic services can only be assured if the project is approved or supported by the community.

[14]Transcription of the Public Hearing of the Committee on National Cultural Communities, During the 3rd Regular Session of the House of Representatives of the 15th Congress of the Republic of the Philippines, Feb. 21, 2013, held at the South COtabato Gym and Cultural Center, Koronadal City, South Cotabato.

The Commission on Human Rights of the Philippines has conducted at least two high-level investigations and dialogues that have indirectly resulted in a temporary "re-positioning" of military personnel in the area.[15] This re-positioning, however, has not eliminated the fear and restriction of movement among the Bla'ans within their territories. And last February 2014, a military intrusion into the area resulted in an exchange of gunfire between the indigenous peoples and the military. No final resolution on the human rights violations has been issued by the CHRP in any of the mentioned cases. A court martial for the military personnel involved in the Capion massacre last August 2012 is slowly plodding on, with minimal participation of civil society organizations, community victims and survivors.

In December 2013, a conference of indigenous peoples produced a resolution against the Tampakan mining project, with more than 1,800 signatures and thumbprints of the Bla'ans, proving that there is widespread resistance to the project.[16]

In this petition, the Bla'ans declared that they are no longer interested in engaging in the FPIC process and demanded that a certification be issued accordingly by the National Commission on Indigenous Peoples.

Aside from the Bla'an people, opposition to the mining project includes the local irrigators' associations (farmers) and the National Agriculture and Fisheries Council (NAFC), the major multi-stakeholder mechanism of the Department of Agriculture.

To date, the impunity of Glencore-Xstrata/SMI is characterized by: 1. its insistence on continuing the negotiations on the proposed re-settlement with the affected Bla'an communities facilitated by the NCIP[17] program despite the legal opposition of the affected Bla'ans; 2. the deliberate effort to divide the Bla'an people with the bribery of scholarships and social development projects; and most recently installing "illegitimate" indigenous leaders and undermining the customary and traditional leaders; 3. its misleading public pronouncements that its security procedures in hiring para-military groups and Task Force KITACO were perfectly legal; 4. the awarding by the MICC to Glencore-Xstrata of an environmental award, despite its many violations; 5. the apparent need by Glencore-Xstrata/SMI of increased security, the major reason why a total military pullout in the area has not been implemented by the Philippine government.

The Philippine government attempted to institute policy reforms in the mining industry by means of Executive Order 79, issued August 2012. There was also an apparent intention to address the grievances of communities to be affected by the Tampakan mining project, but to date the provisions of the Executive Order have not been implemented.[18]

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[15]For the whole year of 2013, the number of military detachments inside the ancestral domains has been fluctuating between three and seven outposts, depending on the intensity of military operations. As of May 2014, only two military detachments remained.

[16]In January 2014, Bla'an representatives and the Social Action Center-Marbel Diocese (SAC Marbel) lobbied the Commission on Human Rights, the DENR-Mines and Geosciences Bureau (DENR-MGB) and the National Commission on Indigenous Peoples, submitting the signed petitions of the Bla'an. The next month, the group went back to Manila to lobby the Mining Industry Coordinating Council (MICC) not to endorse the continuation of the mining project. This time, the group led by SAC Marbel and the Social Action arm of the Catholic Bishops' Conference of the Philippines (CBCP-NASSA) brought with them boxes of petitions signed by more than 120,000 people from the provinces potentially covered by the mining project.

[17]National Commission on Indigenous Peoples – the government agency mandated to implement the national law for Indigenous Peoples or the Indigenous Peoples Rights Act (IPRA)

[18] Despite clear provisions in the Executive Order, the Philippine government has failed to 1. conduct a review of contracts and a performance evaluation of existing mining contracts and projects; 2. produce map overlays that distinctly identify the risks and vulnerabilities that mining-affected communities face; and 3. ensure that the Mining Industry Coordinating Council (MICC) is not used by influential political leaders as a venue to drum up support to the Tampakan mining project, as well as other controversial mining projects.

The mining company has failed to fully implement the provisions of the Environmental Clearance Certificate (ECC) issued by the Environment Management Bureau of the Department of Environment and Natural Resources (DENR).[19] Meanwhile, the local NCIP offices are facilitating the continued development activities of Glencore-Xstrata, specifically the negotiations for the re-settlement of the Bla'ans without their free, prior and informed consent, a move that is in direct violation of one of the ECC conditions.

A further issue is that the local government of the Province of South Cotabato has effectively legislated against the project by means of an ordinance called the Provincial Environment Code, which has a provision banning open-pit mining in the province of South Cotabato. The Department of Interior and Local Government (DILG) and the Department of Justice (DOJ) issued a letter on 18 September to the Provincial Government of South Cotabato, instructing them to review and revoke the existing local ordinance that bans open pit mining. This move by the executive branch is a direct attack on the autonomy of local governments, a policy embedded in the Philippine Constitution and the Local Government Code of 1991 (RA 7160)

It must be noted that these cases of human rights violations and the marginalization of the rural poor in mining-affected communities are a result of the continuing implementation of the flawed Philippine Mining Act of 1995 (RA 7962). Designed to liberalize the Philippine mining industry by encouraging increased foreign investments and facilitate the smoother entry and operation of foreign transnational corporations (TNCs), this mining law is in direct conflict with other national laws.[20]

As of May 2014, the Tampakan project was officially on "down-scaled status", after undergoing an 80% reduction in its programmed funds and staffing for 2014. It is not suspended nor abandoned. Glencore/Xstrata has indicated that they are pushing for their target for commercial operations in 2019. They have also committed themselves to pursuing completion of all their regulatory requirements, including securing consent from indigenous peoples and working on the local ban on open-pit mining.[21]

The Philippines prides itself in being a trend-setter and champion of some of the most progressive domestic laws and policies on the environment, human rights, sustainable development and indigenous people. However, genuine and effective enforcement of these progressive laws is lacking. The Tampakan case proves that a giant TNC like Glencore-Xstrata can violate national and local laws, and commit human rights violations, with complete impunity. This is why, in case of failure at the national level, an appeal mechanism based on binding norms is needed at the international level. The current modes and mechanisms of soft laws and voluntary guidelines are inadequate to address human rights issues and concerns in the extractive industries in general.

Such legally-binding norms should in particular include provisions ensuring that TNCs are not allowed to take advantage of State armed or security forces or hire private militia and thst extractive activities are not allowed in areas of conflict. It should also include provisions on the extra-territorial obligations of states regarding human rights violations committed in other countries by TNCs having their headquarters within their territories as well as on the need for TNCs to respect and comply with domestic policies and national laws. The international instrument should also provide for a complaint and enforcement mechanism as well as a mechanism to monitor, analyze and research TNCs activities and their impacts o human rights.

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[19]Three conditions are stipulated in the certificate: 1. securing the free, prior and informed consent (FPIC) of the Bla'an people; 2. the social acceptability of the mining project reflected in the approval of all *sanggunians* (local legislative councils); and 3. perpetual liability for environmental damages resulting directly or indirectly from project operations.

[20]In particular, those that promote environmental conservation (NIPAS or RA 7586), respect the indigenous peoples (IPRA RA 8371), encourage local autonomy and decentralization (LGC or RA 7160), agricultural modernization (AFMA or RA 8435), address climate change (CCA or RA 9729) and appropriate disaster risk reduction and disaster-response (DRR 10121).

[21]While SMI and IndoPhil have put out contradicting media statements at various times in the last four months (either that Glencore is considering a divestment option in Tampakan or that Glencore is still committed to the project), Glencore/Xstrata itself has not made any public declaration on its plans for Tampakan.

The Europe-Third World Center (CETIM) and Franciscans International call on the government of the Philippines to ensure a demilitarization of the ancestral domains and the surrounds of the mining area; to issue a certification from the National Commission on Indigenous Peoples (NCIP) that no further steps will be undertaken regarding free prior and informed consent process, given that the Bla'an people have already expressed their opposition to the project in their petition; to respect the local autonomy of the Province of South Cotabato and the Provincial Environment Code; to conduct a high-level Peace Dialogue with the Bla'an people to de-escalate the conflict situation in the area; and to revoke the Environmental Clearance Certificate, given the lack of social acceptability

The CETIM and Franciscans International also request the Special Rapporteur on the Rights of Indigenous Peoples, the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions and the Independent Expert on Human Rights and the Environment to closely monitor this case and carry out visits to the country.

The CETIM and Franciscans International also call on the Human Rights Council to create an intergovernmental working group with the mandate of developing an instrument to control the activites of TNCS and their impacts on human rights, and provide access to justice for the victims of their activities.

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Written statement* submitted by Verein Sudwind Entwicklungspolitik, a non-governmental organization in special consultative status

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Please recycle

Situation of Journalists in the Islamic Republic of Iran

Shutting down newspapers and periodicals, arresting journalists, bloggers and even ordinary users of social media sites like facebook, blocking internet sites, controlling internet service providers, cyber attacks and observing and restricting communications are still regular methods in the Islamic Republic of Iran. While the new president had promised to implement extensive changes and release political prisoners including journalists, these promises have not been translated into action.

Newspapers and periodicals are banned and journalists arrested at the discretion of the Committee for the Supervision of the Press, which is answerable to the Ministry of Islamic Guidance. These bans and arrests happen either through a declaration of crime by the Public Prosecutor or a complaint of private individuals via the courts.

Iran's Cyber Police, which was launched in January 2011 under the aegis of Esmail Ahmadi Moghaddam, the commander of the police forces and the Revolutionary Guards, who are a military structure for protecting borders and guarding the intelligence of the Islamic Republic of Iran, belong to the parallel structures above national law that are responsible for arresting and cracking down on journalists.

The murder of Sattar Beheshti, a blogger who was killed under torture at the detention centre of the Cyber Police, or the recent interrogations of Amir Mohammad (Seraj) Mir Damady at the hands of persons very close to the Revolutionary Guards, are only a few instances of the role played by such structures.

The present report looks at the detention or conviction of 29 media activists and the ban of 7 periodicals, newspapers and online publications by various structures. These constitute the most important showcases of the lack of safety faced by journalists in Iran during since June 2013.

1) In spite of Hasan Ruhani's promises, Mehdi Mahmudian, Bahman Ahmad Amu'i, Mohammad Davari, Mas'ud Bastani, Ahmad Zeydabadi, Siamak Ghaderi are among the well-known journalists still imprisoned in Iran five years after the 2009 elections. Their charges include criticising the economic actions of the state, reporting on election incidents or preparing reports on crimes committed in detention centres like Kahrizak.[1]

2) On 13 July 2013, seven staff members of the site "Majzuban-e Nur" were given sentences of seven to eight years of prison and a five-year ban on any kind of political and media-related activity at branch 15 of the Islamic Revolutionary Court under charges like "spreading anti-state propaganda, insulting the Supreme Leader and working to disrupt the public order."[2]

Two of them (Mostafa Daneshju and Hamid Reza Mordadi), who are gravely ill, have not been allowed access to medical care facilities or to medical centres outside the prison.[3]

In May 2013, these imprisoned journalists, especially Omid Behruzi, were severely beaten and injured in the course of an attack of the special prison guard on ward 350.

The activities of these 7 journalists on the site "Majzuban-e Nur" were part of the reporting on Darvish Gonabadi.[4]

3) In November 2013, Khosrow and Mas'ud Kordpur, the directors of the Mukarian news agency, were sentenced in the Islamic Revolutionary Court Mehabad, presided over by judge Javadi Kia to, respectively, 6 years of prison (Khosrow) in Tabriz and 2 years of exile and 3.5 years of prison (Mas'ud).

These sentences were issued for charges of "war against God", "corruption on earth," spreading anti-state propaganda, insulting the Supreme Leader and disseminating lies: charges which have clearly been disproved for both brothers.

The activities of the Mukarian agency were the subject of a report on human rights violations in Western and Eastern Azarbaijan.

4) In December 2013, the website "Narenji" reported the detention of Ali Asghar Honarmand, Abbas Vahedi, Alireza Vaziri, Nasim Nikmehr, Maliheh Nakh'I, Mohammad Hosein Musazadeh and Sara Sajjadpur, some of its technical staff

and writers, at the hands of the Revolutionary Guards. This news item was soon after removed from the site's front page and the site's activities were shut down altogether.

The news analysis site "Narenji" was among the few technology sites in Persian to introduce digital products in addition to technology-related news and information.

5) On 23 November 2013, the public prosecutor of Rafsanjan announced to the official news agency Fars that eight individuals (seven women and one man) had been arrested for what he called spreading offensive matters in virtual space and insulting the people's religious sensibilities and Islamic values. Without mentioning identities and names, he stressed that the activity of those who, by way of virtual space, intend to undermine the convictions of the people and flout Islamic values, will be closely surveyed and harshly treated.[5]

6) On 16 February 2014, the website "Ipna News" was blocked at the order of the working group for determining the criteria of criminal contents. This site is unavailable for having published news on the demonstrations of Bakhtiaris and Lors in some Southern cities.

The protesters had called part of the dialogue in a TV series broadcast by Iran's state television an insult to general As'ad Bakhtiari, one of the leaders and national heroes of the Constitutional Revolution. Mohsen Haydari, the site's editor, is being prosecuted by the judiciary for covering the protests.[6]

7) On 4 March 2014, "Bahar" was the first newspaper to be shut down under the government of Hasan Ruhani. The ban will last for six months and was pronounced because of an article by Ali Asghar Gharavi, one of the responsibles of the Freedom Movement of Iran, by order of the Committee for the Supervision of the Press. Gharavi's case has been submitted to the judicial authorities.[7]

Before the newspaper was shut down, Sa'id Purazizi, editor-in-chief, was detained for two days and Ali Asghar Gharavi, after being summoned by the Islamic Revolutionary Court of Isfahan, detained for one month before he was eventually released for a bail of 200 million Tuman.

"Shutting down a newspaper for publishing an article by a writer, is not only an oppression of the writer him- or herself but a redoubled oppression for the rest of the staff, who had no influence on the publication of the article. Losing their jobs makes the burden of earning a living in Iran even heavier than before."

8) In March 2014, the newspaper "Aseman" was shut down. The head of the prosecutor's office for culture and media pronounced the crime to have been "matters in violation of Islamic standards and offending the sacred beliefs of Islam." The editor-in-chief was also prosectued.

In its 18 February 2014 issue, "Aseman" had criticised the verdict of retaliation and called it an "inhumane" sentence.[8]

9) In March 2014, the prosecutor's office for culture shut down the "Ebtekar" newspaper for "spreading lies."

The editors of the newspaper are accused of publishing a headline entitled "Head of Bureau of Prisons Dismissed." According to the prosecutor's office for culture, the head of the Bureau of Prisons was not dismissed but transferred.

The newspaper was shut down after its extended coverage of the assault of the special guard on ward 350 and the beating of prisoners.

At the same time, the head of Iran's judiciary ordered the public prosecutor in Tehran and public prosecutors across the country to apply severe force against what he called "incitement, spreading lies and disrupting national security."

He referred to the news coverage of the assault on ward 350 at Evin prison by certain national media.[9]

10) On 7 May 2014, the newspaper "Ghanun" was shut down by the public prosecutor's office in Tehran for what was announced as the "publication of untruths with the aim of alarming the populace and for the publication of matters that are contrary to Islamic standards."

"Ghanun" was shut down after the publication of a news item entitled "General Mohammad Ruyanian Released for a 100 Billion Bail."

Mohammad Ruyanian, deputy investigator of the General Staff of the Armed Forces, former executive director of Persepolis F.C. and former executive director of the National Transport and Energy Board, had earlier been arrested on financial charges.[10]

After less than three days, the website "Ghanun Online" was also made unavailable at the order of the prosecutor for culture and media.[11]

11) On 30 April 2014, Amir Mohammad (Seraj) Mir Damady was arrested after his most recent summons to the second interrogation branch of the prosecutor at Evin prison.
After president's invitation to expatriate Iranians, Mr MirDamady returned from Paris to Tehran, however, the Iranian judiciary arrested him on charges of anti-state propaganda and conspiracy.[12]

Hosein Mirdamady, the father of Sarraj MirDamady, announced in an interview with media that judge Salavati had told his son that they were going to treat him in such a way as to deter expatriate Iranians from returning.[13]

Shortly before, at the seventeenth meeting of the Human Rights Council, he had presented a report on the situation of imprisoned journalists in Iran.

Iran has ratified the International Convention of Civil and Political Rights. Based on Article 19 of the Convention and on the Universal Declaration of Human Rights, Iran is committed to observe freedom of speech. Likewise, Items 23 and 24 of the Iranian Constitution, respectively, obligate the government to observe freedom of opinion and freedom of speech in the media.

Based on its international commitments and on national law, Iran must thus end the oppression and arrest of media activists and take urgent action with regard to the freedom of imprisoned journalists.

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[1] http://www.frontlinedefenders.org/node/23362
[2] https://hra-news.org/fa/thought-and-expression/1-1556
[3] http://iranwire.com/news/21/2645
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[12] http://ir.voanews.com/content/mirdamadi-journalist-arrested-iran/1912153.html
[13] http://radiofarda.com/archive/news/20140515/143/143.html?id=25385179

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Please recycle

Human Rights Violations by Coca Cola in Colombia[1]

The transnational corporation Coca Cola,[2] settled in Colombia in 1940, through a franchise granted to the Indega S.A. bottling company in the central area, northern coast and north-eastern area of Colombia.[3] The bottling companies under Indega S.A. were bought out in 1995 by Panamco Beverages, Inc., with 25% of its shares held by Coca Cola. In May 2003, Fomento Mexicano S.A. bought Panamco through the Coca Cola Femsa S.A. franchise, with Coca Cola retaining 31,6% of the shares. This is the company that holds the franchise in Colombia, and through which it operates in most Latin American countries.

Through this off-shore legal framework, Coca Cola produces and sells its products keeping ownership of the brands, capital control and a presence on the board of directors of the local enterprises. It also controls all the processes regarding raw materials, supplies, production, distribution and labour policy, avoiding liability for the human rights violations committed.

Coca Cola's activities in Colombia affect the environment and health, among others.[4] But, above all, the history of Coca Cola in Colombia is that of a permanent attack on labor and trade-union rights, including the killing of at least ten trade unionists and links with paramilitary groups.

Working time extensions and pace-of-work increases have allowed the transnational corporation to operate with 5 Coca Cola Femsa bottling plants and close 11 in 2003, laying off hundreds of workers. Sinaltrainal members started a hunger strike in March 2004, in order to try to avoid the wide-scale lay-off of workers. In 2014, with the opening of the gigantic bottling plant that the company is building in Tocancipá, Cundinamarca, new bottling plant closings and lay-offs are planned.

According to company documents known to Sinaltrainal union leaders, such as "*Dia D*", "*Plan Pandrino*" and "*el Corrientazo*", Sinaltrainal is considered as an obstacle to reducing labour costs, since it opposes subcontracting, which accounts for some 70% of the over 7,000 workers involved in the company's production. Such subcontracting is carried out through front companies, many of which belong to the transnational corporation itself, among which: Atencom S.A.S., Imbera, OXXON, FL Colombia S.A.S. They simulate direct working contracts, thus preventing the paying of benefits provided for under the collective labor contract. Sinaltrainal is opposed to the so-called positive human resources plan, which is how the company weakens the trade union (that at present has only 287 affiliated workers), in

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[1] This declaration has been drafted in collaboration with Sinaltrainal-Colombia.

[2] with its head office in Atlanta, Georgia.

[3] Other franchises such as Bebidas y Alimentos de Urabá were created.

[4] For example, the company has been criticized for importing sugar products, raw materials and supplies to the detriment of national producers, for consuming huge amounts of water for years, for dumping waste into water sources, and it has been even fined for polluting wetlands and emitting huge quantities of greenhouse gas. Moreover, it refuses to respond to requests from Sinaltrainal to commit itself to reducing carbon dioxide emissions (See http://www.prensaverde.org.co/prensa01.php?mncr=1&sbmn=1&ppc=1&ppf=1&codnot=11000476, http://www.salvacionagropecuaria.net/gaseosa%20importa%20azucar%20del%20brasil.htm, and http://www.eltiempo.com/archivo/documento/MAM-2510753). Coca Cola products have been denounced for containing substances that are dangerous to health and cause damage to the youth population. Josh Gold, Coca Cola spokesman, announced that the brominated vegetable oil (BVO) used in beverages such as Fanta, Powerade and others such as citric-flavoured beverages, would be removed and replaced by sucrose acetate isobutyrate. In the USA it was agreed that sugary products would be removed from schools, but in Colombia the company has not taken into account Sinaltrainal's request to enact such an agreement there in order to protect children's health (See http://www.telesurtv.net/articulos/2014/05/06/coca-cola-retira-aceite-vegetal-bromado-de-sus-bebidas-3399.html and http://www.eluniversal.com.mx/notas/686248.html).

order to eliminate the collective labor contract and to put illegal pressure on the workers so as to make them give up their work contracts.

On 10 August 2004, the transnational corporation, with the consent of the Ministry of Labour, revoked Sinaltrainal's by-laws, thus hindering membership by outsourced workers. The company tried to persuade judges to declare illegal Sinaltrainal sections in Bogotá, Girardot, Santa Marta, Cali and Villavicencio, among others, but it did not succeed. It has tried this several times, and now we face case N° 0240-2012 in the Bogotá Labor Court, where the Coca Cola Villavicencio bottling plant is again requesting that the union be declared illegal. Coca Cola has also tried – with no success – to get a permit from judiciary to fire labor leaders.

In order to terrorize workers so they either do not join Sinaltrainal or give up such membership, they use the ploy of criminalizing the victims: the corporation administration carries on systematic stigmatization campaigns against Sinaltrainal memberss by publishing images of workers and their families, accusing the union members of vandalism and damage to property, or gathering workers against their will so as to show them "graphics" accusing members of Sinaltrainal of being the guilty ones. They have caused moral and material damages, putting life and the integrity of several members of Sinaltrainal[5] at stake, because they have been involved in criminal cases charging unionists with slander, calumny, damage to property, conspiracy to commit crime, rebellion and terrorism, among other things, with at least 12 leaders of Sinaltrainal unfairly imprisoned. An arrest warrant was issued against them, and the corporation took advantage of this to give them notice of dismissal for "just cause". But the company was compelled to rehire them when they were acquitted.[6]

In order to hinder freedom of association, the transnational corporation militarizes repression for protesting. As in many other cases, there are the events that happened in the Medellín bottling plant on 17 December 2010, where police entered with armored cars to force removal of subcontracted and Sinaltrainal affiliated workers that refused to move the distribution vehicles. Some individuals, on behalf of Coca Cola and escorted by policemen, went to the workers' homes with dismissal notices for them.

The social, political and armed conflict that continues in Colombia after more than 50 years is used as a pretext by the state and by transnationals such as Coca Cola to carry out an anti-trade union policy, aiming to link trade union activities, workers' claims and protests with actions by outlaw organizations or organizations guilty of violent crimes. Several members of Sinaltrainal that work for Coca Cola bottling companies have been unjustifiably accused by the Administrative Department of Security (DAS) of being a danger for national security. Coca Cola has been implicated in having links to and supporting the war that the state security forces are carrying on. An example of this is the gathering of people from Coca Cola bottling plants in February 2010 on the military base of Tolemaida. Under the slogan "Guided by Pride" and dressed in military uniforms, they participated in war maneuvre training.[7]

Also worth noting are the 68 workers, members of Sinaltrainal working for Coca Cola bottling plants since 1984, who have receiving death threats, those exiled[8] and displaced with their families that the company refuses to relocate to other cities,[9] workers imprisoned under false charges[10] and the 11 that were killed[11], five of whom worked in the Carepa

[5] Among others, Luis Javier Correa (its president), Efrain Guerrero, Luis Eduardo Garcia, Efrain Surmay and Alfredo Porras.

[6] All the charges against the Sinaltrainal leaders were dropped. La Dirección Seccional de Fiscalías de Bogotá N° 55, 20 February 2006, case 675549 acquitted Luis Javier Correa Suarez Luis Eduardo Garcia, Efrain Guerrero and William Mendoza). See also cases 76988, 21 June 2000; case 7834, 12 May 1995; case 3427, 16 February 1993; casd 3522, 19 November 1984.

[7] 8 February 2010, in the Colombian military fort Tolemaida (Centro nacional de entrenamiento- CENAE) in Melgar Tolima, a convention was held by Coca Cola Femsa entitled "Guiados por el Orgullo" ("Guided by Price"). It should be noted that Tolemaida is a United Sates military base in Colombia.

[8] Luis Adolfo Cardona left Carepa Antioquia, after having fled from paramilitaries that were hunting for him to torture and kill him; Alfredo Porras Rueda, after having been imprisoned and wrongly accused of being a guerrillero.

[9] Etiel Aragón of Santa Marta and Juan Carlos Galvis of Barrancabermeja were threatened with death along with their families, and, faced with the refusal of the company to relocate them, they had to work in the city where they were threatened with death. This also happened to other workers who were member of Sinaltrainal.

[10] Rodolfo Pérez, Alfredo Porras Rueda, Álvaro González, Sergio López, Domingo Flórez, Luis Eduardo García, the last six persons fired.

Antioquia bottling plant. One of them – Isidro Segundo Gil – was killed inside the premises on 5 December 1996, the day for the company to start negotiations on Sinaltrainal's list of demands.[12] The same killers knocked down the doors of Sinaltrainal headquarters and burnt the facilities.

On 26 December 1996, another Coca Cola worker in Carepa was forcibly removed from the bottling plant by presumed members of the paramilitary forces and was killed near the Chigorodó cemetary (Antioquia).[13] In the case of the murder of Adolfo de Jesús Munera López, a single person was convicted,[14] in the other case the investigations resulted in no convictions.

In 2002, a criminal complaint against Coca Cola, directed at its head office in Atlanta, was filed before a judge of the Court of Miami District, for the company's supposed involvement in the killing of Colombian trade unionists.

"We want justice and want the people to know the truth about what happened in Colombia against Coca Cola workers", said Javier Correa, president of the Colombian Sinaltrainal. The complaint is linked to the killing of Segundo Gil in 1996, not long after Richard Kirby, the North American owner of a bottling plant in Carepa, Antioquia, said that he would do anything necessary to kill and make disappear workers that tried to join trade unions and is said to have made an agreement with gunmen to this end.

The main question, says Terry Collingsworth, a jurist of the International Labor Rights Fund, is: "Why didn't Coca Cola intervene to put an end to the violence?" And he adds: "Coca Cola, like many other companies, controls the product and gathers the profits, but states that it has no liability as regards workers".

The answer by Coca Cola was to file a complaint against workers of Sinaltrainal before the public prosecutor, because they had brought the case to US courts.[15] and on 11 August 2009, the United States judge Thomas K. Kahn Clerck dismissed the case against Coca Cola, declaring he lacked jurisdiction to hear it.[16]

In April 2006, the Peoples Permanent tribunal, Colombia chapter, found Coca Cola and other transnational corporations, among which Nestlé, guilty of violating workers' human rights and of attempting to destroy Sinaltrainal, as well as of the pillaging Colombia's natural resources, in particular water.

Owing to international pressure, the Carter Center in the United States met with representatives of Coca Cola and Sinaltrainal and negotiations with the company started in 2007, but the company was just buying time, seeking to diffuse the pressure of the claim against it and influence the conditions of any future settlement.

Sinaltrainal has addressed the ILO Committee on Freedom of Association with a complaint[17] that has been expanded several times for human rights violations committed by Coca Cola in Colombia, and the recommendations that were issued have not been respected since they are not binding[18].

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[11] José Eleazar Manco David (Carepa Antioquia, 8-04-1994), Luis Enrique Giraldo (Carepa Antioquia, 20-04-1994), Luis Enrique Gómez Granados (Carepa Antioquia, 23-04-1995), Avelino Anchicanoy Erazo (Pasto Nariño, 31-07-1990), Isidro Segundo Gil (Carepa Antioquia, 5-12-1996), José Libardo Herrera Osorio (Carepa Antioquia, 26-12-1996), Guillermo Gómez Maigual (died in the Nariño Pasto plant, 20-04-98), Oscar Darío- Soto Polo (Montería Córdoba, 21-06-2001), Adolfo de Jesús Múnera López (Barranquilla Atlántico, 31-08-2002), Ricardo Ramón Paublott Gómez (Barranquilla Atlántico, 26-01- 2012).

[12] On 18 November 2000, presumed members of the paramilitary forces dragged the widow of Isidro Segundo Gil from her house and killed her.

[13] José Libardo Herrera Osorio, also a member of Sinaltrainal.

[14] Case 164, Unidad de Derechos Humanos de la Fiscalía à Bogotá.

[15] Case 585334, 28 July 2003. The Fiscal Seccional 61 (District 61 Court) accused of insults and calumny Luis Javier Correa Suarez, Jorge Humberto Leal, Juan Carlos Galvis, Luis Eduardo Garcúia, Álvaro González, José Domingo Flórez et Edgar Alberto Páez Melo. On 13 January 2004 , the Fiscal 25 acquitted them all.

[16] Cas No. 06-15851, D. C. Docket No. 01-03208-CV-JEM

[17] 18 September 2007, case 2595.

[18] The 305th ILO Governing Body, in June 2009, approved Report n°354 of the Committee on Freedom of Association in which the recommendations are to be found (paragraphs 485 to 588).

Given the harassment that workers of Coca Cola bottling plants are facing, and the danger for their life and physical integrity, the *Comisión Interamericana de Derechos Humanos,* has ordered precautionary measures for 26 Sinaltrainal members.

On 9 October 2012, the European Center for Constitutional and Human Rights (ECCHR) and the *Colectivo de Abogados José Alvear Restrepo* (CAJAR) of Colombia, with the support of the *Central Unitaria de Trabajadores* (CUT), submitted a communication to the Office of the Prosecutor of the International Criminal Court (ICC) in The Hague, requesting the opening of a criminal inquiry with respect to anti-trade union violence in Colombia. Among the cases that were submitted are several of the murders of Sinaltrainal leaders.

In 2008, the ILO conducted a mission in Colombia in order to assess the situation but did not take into account past facts: killings, death threats, attacks, kidnapping attempts, attacks on the union, lay-offs en masse, environmental damage; nor did it accept or consider any evidence of those facts submitted by Sinaltrainal.

The impunity that continues to benefit Coca Cola for the human, labor and trade union rights violations in Colombia shows the need for a legally binding international instrument making it possible to control activities of transnational corporations and their impacts on human rights as well as to guarantee justice and redress for victims.

Only a legally binding international instrument for transnational corporations can generate the legal, social and political pressure on them to put an end to their continuous behavior of extermination of trade unions and of increasing precariousness of work, and oblige the state of Colombia to judge and punish those liable for harassment of Colombian trade unionists.

For all the above mentioned reasons, the Europe–Third World Center (CETIM) urges the government of the United States to comply with its duty to make sure that transnational corporations based within its territory do not violate human rights, in particular while carrying on their activities in other countries and, should that be the case, to grant victims access to justice. We appeal in particular to the government of the United States to intervene in order to put an end to the incessant attacks by Coca Cola on human, labor and trade union rights in Colombia, and to assure that victims obtain justice and redress.

The CETIM also requests the Colombian government to comply with its duty to grant respect and protection of human rights in Colombia, in particular labor and trade union rights and the freedom of peaceful association, and to take, urgently, all necessary measures so as to guarantee the security and physical integrity of Sinaltrainal's trade unionists. We appeal in particular the government of Colombia to put an end to Coca Cola's permanent attacks against human rights in Colombia and to guarantee justice and redress for the victims of its activities.

The CETIM requests the Special Rapporteur on Extrajudicial Summary or Arbitrary Executions and the Special Rapporteur on the Right to Freedom of Peaceful Assembly and Association to monitor this case closely and to pay a visit to Colombia.

Further, the CETIM requests the Human Rights Council to create an intergovernmental working group with the mandate to develop a binding international treaty in order to monitor transnational corporations and to guarantee access to justice for the victims of their activities.

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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by Verein Sudwind Entwicklungspolitik, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

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Child Early Marriage and Divorce in the Islamic Republic of Iran

Iran is a signatory to the international convention on the right of the child and has ratified this convention in November 2001. Nevertheless, violence against children continues to exist in various areas. According to Article 1041 of the Civil Law, the age of marriage for girls is 13 and boys 15. However, if the child's guardian (father or grandfather) requests and the court conclude that she/he is adult enough to be married off, the child can be married even at an earlier age. Furthermore, in September 2013, a Bill on adoption of children under state care passed through the Iranian parliament and approved by the Guardian Council and consequently became law on 23 October 2013. Article 27 of the Bill sanctions the marriage of the adopted child to the man who is considered to be her father and raised by him.
The statistical figures presented by "vital information and statistics on the Islamic Republic of Iran" indicate the scope of violence of the rights of the child in this regard.

According to Article 1 of the International Convention on the Right of the Child which Iran has ratified, everyone under the age of 18 is considered as a minor and therefore is unable to make informed decisions. Marriage before the age of consent is one category in which the child has no or little perceptive of the nature and the consequences of the act. Although in some countries and in cases of extreme poverty or according to traditional practices and tribal customs, families force children into marriage before the age of consent, in most countries this is an unlawful act.

Unofficial reports on the marriage of minors in rural and tribal areas between tribes as a way to settle bloody disputes are also not included in this report. The "blood gift" is usually an under-aged girl who will be exchanged without official marriage documents and acknowledgement and therefore treated as slave thereafter[1].

In the province of Khuzestan, marriage of cousins is a norm. In such cases if the child declines such marriage, the cousin has the right to kill her. In some cases other male family members such as male siblings or the father do join in the honour killing. According to Article 301 of the Islamic Penal Code "If the father or grandfather murder their daughter they will not receive Ghesas (retribution) but the punishment will be: 1- paying the Dieh (compensation). 2- Exile from home by order of the judge. 3- Punishment (Ta'ziir) according to the judge's discretion. 4- Punishment of taking fast for 2 months (Kafareh).

Forced marriage of under-aged girls to Afghan men is another issue in Iran. According to Iss'a Mussavi Nasab, foreign affairs general director at the greater Tehran province in some rural areas young girls are sold to Afghan families in exchange of little money. Such marriages are not officially registered.

This report is based on the official statistics on the marriage and divorce of the under-aged children.
Early marriage and divorce of minors in Iran are best viewed according to official statistics. The total number of child marriages and divorce are far higher than figures below, as many cases are not officially registered.

- In all, a total of 317 girls children under 10 were married in 1386 (2007-2008), 302 in 1387 (2008-2009), 449 in 1388 (2009-2010), 716 in 1389 (2010-2011), 220 in 1390 (2011-2012) and 189 in 1391 (2012-2013).
- In all, a total of 1011 boys children under 15 were married in 1386 (2007-2008), 858 in 1387 (2008-2009), 1149 in 1388 (2009-2010), 1452 in 1389 (2010-2011), 742 in 1390 (2011-2012) and 358 in 1391 (2012-2013).
- Director General of Personal Status Registration Office in Tehran province reported 75 marriages of girls and boys under age of 10 in 1390 (2011-2012). The number of marriages of children between 10 to 14 years old was 3929 and 19,237 between 15-19 years old in the same year.
- In 2011, 12 cases of marriage of girls younger than 10 years of age with men of 35-39 years of age were registered. In the same year, 10 cases of boys under 15 with women of 30-34 were also registered. In these

[1] A/HRC/24/NGO/112 (Forced marriages to stop revenge)

statistics prior marriages had not been included. In all, in 2011, an estimated 40,571 marriages and 928 divorces of under-aged children had officially been registered.

Table provinces with the highest rate of child marriage & divorce			
Numbers in each province	Sex & age	Type	Year
Sistan & Baluchitan(79), Khuzestan (21), Kohkiloyeh & Boyer Ahmand (17)	Girls under 10	Marriage	2011
Khorasan Razavi (6759), Eastern Azarbaijan (3348), Sistan & Baluchistan(2355), Khuzistan(2150), Fars(2097)	Girls between 10-14		
Sistan & Baluchistan(156), Khorasan Razavi(59), Khuzistan(54), Western Azarbaijan(52)	Boys under 15		
Khorasan Razavi(160), Tehrnan(77), Eastern Azarbaijan(68), Hamadan(54)	Girls between 10-14	Divorce	
20 cases in all in Eastern & Western Azarbaijan, Ardebil, Nordern Khorasan, Khuzestan, Ghazvin, Fars, Sistan & Blauchitan, Ghom, Lorestan, Mazandaran, Tehran , Yazd, Bushehr and Hamadan	Boys under 14		
Sistan & Balucjistan(36), Khuzestan (35), Zanjan(15), Fars(12)	Girls under 10	Marriage	2012
Khorasan Razavi(7350), Eastern Azarbaijan(3920), Khuzistan(2243), Fars(1935), Hamadan(1972),Tehran(1752),Western Azarbaijan(1681), sistan& Balichistan(1664)	Girls 10-14		
Sistan & Baluchistan(55), Khuzistan(41), Western Azarbaijan(31)	Boys under 15		
Hamadan (1)	Girls under 10	Divorce	2012
Khorasan Razavi(150), Eastern Azarbaijan(119), Tehrnan(83), Mazandaran(62), Khuzistan(56), Fars(56), Hamadan(54), Tehran(1752)	Girls 10-14		
Kermanshah(5), Sistan & Baluchistan & Mazandaran(2), Eastern Azarbaijan, Tehran, Khorasan Razavi,Hamadan, Golestan and Kurdistan (1)	Boys under 15		

Child early marriage in poorer families and deprived areas can be compared to human trafficking and slavery. The family receives money in exchange for an under-aged child who can be abused both sexually and psychologically. Prevention of sin and unlawful sexual relations is another reason behind some cases of early child marriage.

Marriage of under-aged girls results in:

1- Deprivation from continuation of education and normal childhood. Article 53 of the education bill states conditions for married children as follows:
2- Participation in the final exams without participation in the classes
3- Attending adult evening classes
4- Registering at school but not attending classes
5- Attending classes but not allowed to speak of married life

Article 53 does not mention the gender of the married child but in effect married boys have no difficulty to continue their education as normal.[2]

Long-term consequences of early child marriage:

a) Irreversible psychological damages
b) Tear of the vagina and bleeding, infection and sexual diseases
c) Early pregnancy and its consequences to the body of the child
d) Deprivation of normal childhood and having adult responsibilities which brings about anxiety, fear, depression and domestic violence.

Recommendations:

- Changes in the Article 53 of the school rules, so that under-aged married children can continue their studies alongside their peers.
- Steps taken to prohibit child, early and forced marriage by cancellation of Article 1041 of the Civil Law and bringing the age of marriage to the international standards and conventions which Iran is a signatory.
- Implementation of strict rules on the registration of child marriages at the Notary offices and punishment for those who bend the rules and adopting measures and implementing strategies to eliminate the issue.
- Setting heavy punishment for parents who marry their children or sell them at an early age. Simultaneously seeking ways to get poor families out of poverty as a preventative method.
- Setting up courses and workshops for judges who work at family courts, on international convention on the right of the child.
- Setting up courses and workshops on international conventions on the right of child to all involved including those at the welfare state, teachers, and the notary offices, the civil society activists and other relevant stakeholders to promote the elimination of child early and forced marriage.
- Action taken to address the issue in communities involved and to address or mitigate its impact, making specific reference to the outcomes of such policies for the health of the nation especially children and women.
- Inclusion of sex education and family planning to the school curriculum.
- Cancellation of Article 27 from the bill on adoption.
- Regular research, assessment and study at national and sub-national level on the prevalence of child, early and forced marriage and/or its impact on the human rights of women and girls and other affected groups.

2 http://www.tabnak.ir/fa/pages/?cid=77082

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Written statement* submitted by Verein Sudwind Entwicklungspolitik, a non-governmental organization in special consultative status

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Missing Efforts to combat Human Trafficking in the Islamic Republic of Iran

The Islamic Republic of Iran is a transit and destination country for trafficking in person as well as a country of origin for victims of trafficking. The Iranian state has always faced human trafficking issues due to geographical location and lack of measures by the Iranian authorities to prevent trafficking and to develop strategies that address the root causes and risk factors. The issue has been invisible by lack of official statistics and estimations, freedom of expression, freedom of associations and free press. In December 2013 the semi official Iranian Student News Agency (ISNA) quoted Iran's passport issues police department chief, General Mahmoud Sadeghi: "We do not deny girls' trafficking to Arabian countries but the number is not considerable" at an INTERPOL Regional Operational Workshop on "Combating Trafficking in Human Beings" in Tehran.[1] At the same event Homayun Hashemi, the head of Iran's government-run Social Welfare Organisation, was quoted: "Certain statistics have no positive function in society; instead, they have a negative psychological impact. It is better not to talk about them."[2]
There has only been social recognition of this issue inside the country through Iranian human rights activists and some media coverage[3] from 2003 to 2005, when Mohammad Khatami served as Iran's president.

Trafficking for sexual exploitation

Social awareness on the issue of trafficking for sexual exploitation in Iran rose after Bam quake in 2003. Human rights activist Khadijeh Moghadam, who helped as a volunteer victims devastated by the disaster, reported orphans missing in Sina Camp. Foster families sold the children in return for 3000 Dollars to traffickers. Additionally some quake-affected families forced their young daughters to marry old men in surrounding villages. Iranian authorities made no effort to address those trafficking issues.
Women and girls are trafficked for sexual exploitation domestically and externally into Persian Gulf countries, Pakistan, Afghanistan, more limited to European and Asian countries as well as more recently to China. Additionally Afghan, Pakistani, Eastern Europeans, Chinese and Iraqi women are trafficked into the I.R. Iran.
There were news on an Iranian site featuring information on an auction of Iranian women in the United Arab Emirates[4] and a report on 45 Iranian women subjected to sexual slavery in Karachi[5].
There are specific vulnerability factors for women and girls of becoming trafficking victims in the I.R. Iran such as poverty, drug addiction, sexual abuse, domestic violence, pre-arranged marriages as well as divorce as case studies of "Runaway Girls in Social Emergency and Rehabilitation Centre of Shiraz, Iran" specifies.[6] In recent years also the number of girls as well as boys on the streets has increased.

Child trafficking

Children in the I.R. Iran are victims of forced slavery, exploitation, sex slavery, pornography industry and for the thriving business of body parts. There are no precise data regarding this issue but the growing number of early school leaving and child labour indicates child trafficking. According to official statistics 39000[7] children do not attend school

[1] http://www.insideofiran.org/humanright/12440-1392-09-11-11-32-50.html
[2] http://iranrooyan.org/657/
[3] On 19 December 2003 the "Shargh" newspaper published a report on "The Sale of Iranian Girls to the United Arab Emirates" about an auction of 54 Iranian girls and quoted Mostafa Ben Yahya, an United Arab Emirates airline pilot, announcing an average of 10 to 15 girls sent to the United Arab Emirates everyday on nine ordinary flights and 20 irregular flights from Iran to Dubai and corpses of three to five Iranian girls taken to Iran every month.
[4] http://asre-nou.net/1383/khordad/7/m-fajire.html
[5] http://www.iran-emrooz.net/index.php?/news2/17972/
[6] Demographic, Personality and Psychopathology Characteristics of the Runaway Girls in Social Emergency and Rehabilitation Centre of Shiraz, Iran http://ijpbs.mazums.ac.ir/files/site1/user_files_ef0cde/godadmin-A-10-2-6-3e69596.pdf
[7] http://www.jamejamnews.ir/NewsPreview/1378107137323726935

in 2013 and at all and 80000 children in primary school drop out of school annually. According to statistics in 2011, 9,719,000 children older than six years are illiterate[8].
Children of Afghans migrants are particularly victims of child trafficking. The Afghanistan Independent Human Rights Commission reported that most of the Afghan victims that are trafficked to the I.R. Iran are boys (70 %) that are mostly exploited for domestic works, agriculture, daily wage, and sale. More than 6 % of them are exploited for sex trafficking and more than 19 % for distribution and selling drugs in the I.R. Iran.[9]

Trafficking for labour exploitation

Trafficking for labour exploitation is widespread in the I.R. Iran and in the region, due to increasing unemployment and poverty. The legislation of "exemption of sweatshops with 10 or less workers from labour law legislation" in 2012 paved the way for trafficking for labour exploitation. According to Iranian human rights activists in carwashes in Tehran workers are enslaved without contract and even without wages and are living only on tips.
Migrants, mostly Afghans, are reported of being subjected to labour exploitation, including debt bondage, restriction of movement, nonpayment, and physical or sexual abuse. The Dhaka Tribune reported on April 18, 2014 that twelve Bangladeshi migrants, who were abducted by a gang of human traffickers in I.R. Iran, returned home. One of the victims, Shafiqul Islam of Brahmanbaria, said that a middleman named Hanif promised him a job in a market. He paid Tk 150,000 and later he was taken to Port Abbas in the I.R. Iran. Along with few others he was confined in a house near a jungle. He was threatened that they would sell his kidney[10] if he fails to pay Tk 800,000 within two days.[11]

Legislative, policy and institutional framework

The Islamic Republic of Iran is a part of Convention on the Rights of the Child, but is not a party to the 2000 Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children. In 2004 the Iranian Parliament passed a law to prohibit trafficking of persons by means of threat or use of force, coercion, abuse of power or of a position of vulnerability of the victim for purposes of prostitution, slavery, or forced marriage. Under this law, those convicted of engaging in human trafficking can receive a sentence of 2-5 years imprisonment. Those convicted of attempted human trafficking will receive a sentence of 6 months – 2 years prison terms.
Prominent law specialist Mahnaz Parakand argues that the law suffers from drawbacks in comparison to previous legislations including "Children and Teenagers Support law" by not defining organized crime, conditioning penalty, lack of preventive legislation and support for victim. In addition organ trafficking is not included and penalty for accomplice in cases of organized trafficking is not predicted.
Human rights activists reported that these laws remained unenforced due to a lack of political will and widespread corruption. Women who were victims of sexual abuse were accountable to be prosecuted for betrayal, which is defined as sexual relations outside of marriage and is punishable by death.

Recommendations to the Islamic Republic of Iran

- Develop and build capacity for systematic data collection in collaboration with civil; society organizations to increase the knowledge on trafficking issues to identify protect and assist trafficked persons and share the data with the UN;
- Ratify the 2000 Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children;
- Ensure that victims, especially women, are not criminalized or punished for unlawful acts directly resulting from their situations as trafficked persons;
- Provide comprehensive assistance to all trafficked persons;
- Strengthen cooperation with other countries to improve the identification and protection of victims ;
- Review the 2004 trafficking law in relation to international standards.

[8] http://tts902.blogsky.com/1392/04/24/post-454/
[9] http://reliefweb.int/sites/reliefweb.int/files/resources/Full_report_156.pdf
[10] The I.R. Iran is one of the few countries in the world where the organ trade is legal
[11] http://www.dhakatribune.com/labour/2014/apr/18/12-human-trafficking-victims-return-home-iran

United Nations A/HRC/26/NGO/99

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Human Rights Council
Twenty-sixth session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by Conectas Direitos Humanos, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[26 May 2014]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Human rights violations in FIFA World Cup Brazil

Conectas Direitos Humanos, together with Justiça Global, wishes to draw attention to the serious human rights violations in Brazil, the host country of the Fifa World Cup.

Brazil is today a country emerging on the international scene as a global and regional economic actor, with a democratic system considered to be solid and facing historical social problems. However, a complex context of human rights violations that contrasts with that image still persists.

Latin America is going through a time of aggressive pursuit of development. The proximity between political representatives and business groups has created a confusion of the boundaries between business and state. The Brazilian government has directly funded business activity through its foreign policy, facilitating the entry of their companies in other countries. It also adopts a strategy of assuming corporate interests as national interests. This diplomatic package that accompany investment processes promotes deterioration of environmental laws and guarantee the absence of extraterritorial jurisdiction of human rights that would allow victims the access to an effective judicial remedy. The international legal framework to which companies are subject stems from its obligations and Soft Law is voluntary, based on codes of business conduct, which may change according to business interests. The mechanisms of international accountability of companies, based in the UN Global Compact, the OECD rules and WTO are insufficient to guarantee victims the right to an effective remedy

In the area of human rights defenders, the vast majority of attacks are related to the right to land. There is a serious process of criminalization and downgrading human rights defenders, mainly by landowners, big corporations and hegemonic media. Although it is one of the few countries in the world that has a National Programme for the Protection of Human Rights Defenders, the main difficulty is that human rights still isn't a priority neither for the Federal Government nor for states government. After almost 10 years since its inception, the Program has numerous problems: the resources devoted to the protection programs are inadequate; it's necessary to foster a real participation of the security forces in the programs; there is a discontinuity of state programs due to excessive bureaucracy in its implementation; lack of technical capacity for the effective protection of human rights defenders; and also the need to move beyond the police protection and address the structural causes of threats to human rights defenders .

Moreover, the year 2013 was also marked by great social protests in Brazil , mainly from June 2013 on. In the effervescence of social movements and civil society scenario, the Brazilian government opted to adopt repressive and criminal hardening measures to deal with Brazilian population claims. As a result of police repression in order to prevent the right of free expression, 21 deaths were registered, mostly in protests in slums or remote areas. There are also several reports of people who had their physical integrity violated, in some cases permanently, as the Futura Press journalist Sérgio Silva. In this sense, it's important to highlight the constant attack on journalists who try to register police abuses in demonstrations, through the use of less lethal weapons or arbitrary arrests. According to the Brazilian Association of Investigative Journalism, between June and October 2013 only, 83 journalists were injured in mass demonstrations. A second strategy used by Brazilian government to prevent the right to freedom of expression and of assembly to be exercised is criminalization of the protesters. Apart from using arbitrary arrests to demobilize protesters, there is a movement in Congress to create new criminal types. There are currently 17 bills aimed at creating or extending crimes to punish those who protest. We may affirm that there's a joint operation between the Legislative, Executive and Judiciary in order to prevent and suppress the right to free expression in the country.

In the sphere of public security, the Police Pacification Units (UPPs) project marks a context of militarization, repression and heightened surveillance, including curfews and criminalization of cultural events. We understand the UPP as a government control technology over slum populations and territories, under the argument of drug war. Less than combatting drug trafficking, such militarized State presence in the favelas is marked by the systematic human rights violations. Based on the human rights violations monitoring performed by Justiça Global, we have identified especially summary executions of slum inhabitants, the indiscriminate use of " non- lethal " arms and arbitrary arrests in the favelas where the UPPs have been installed. In June last year, we sent a report to the UN Special Rapporteur on Summary, Arbitrary and Extrajudicial Executions about human rights violations in Rio de Janeiro's slums where the

Pacifying Police Units were installed. In that document, we have called the attention of the Rapporteur for the first six cases of executions of residents caused by the action of the UPP police officers. Now we are about to finish another report to be sent to the same Rapporteur, with 20 other cases of slums inhabitants executions caused by policemen operating in UPPs. We are also including the famous case of Amarildo Dias de Souza (torture followed by death) in the whereabouts of the Favela da Rocinha UPP.

On the other hand, Brazilian prison system has experienced a dizzying growth. In 2000, there were 232.755 prisoners, with 80.775 pre-trial detainees to a national population of about 169 million, in other words 137 inmates for every 100,000 inhabitants. The latest data released by the government from December 2012, indicate 548,003 persons deprived of their liberty, with 195.036 pre-trial detainees, for a total population of approximately 199 million, reaching 275 prisoners for every 100 thousand inhabitants. The percentage of detainees doubled in these twelve years. The inhumane situation of prisoners in 2000 was dealt with by the State through the construction of more prisons. The number of prisons arose from 893 to 1,478 prisons. The number of vacancies has grown thus, but the reality of overpopulation, the degrading conditions of detention and the practice of torture that permeates the Brazilian prison system have not changed. They are still present and there doesn't seem to be any interest or political will to change this situation, whose solution shouldn't be the construction of more prisons and jails, but rather the reduction of the over incarceration, which is the modus operandi of the Brazilian criminal justice system.

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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Joint written statement* submitted by the Europe-Third World Centre (CETIM), a non-governmental organization in General consultative status, Environmental Rights Action / Friends of the Earth Nigeria (ERA/FoEN), a non-governmental organization in Special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

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Cases of Environmental Human Rights Violations

by Shell in Nigeria's Niger Delta

Introduction

Since 1956 when oil production in commercial quantities began in Nigeria's Niger Delta, the Delta communities have known no rest. For more than five decades oil has been Nigeria's leading export product. Nearly one-half of that oil production has been carried out under Shell's supervision. There has been massive environmental degradation from frequent oil spills and gas flaring resulting in declining fish catch and poor crop yields and impoverishment. Community protests since the late 1980s have been met with oppression and repression by the armed forces backed by the oil company Shell. There has been impunity for those guilty of human rights violations and of failing to adhere to environmental standards, making it imperative to set global standards and enforcement mechanisms to control oil companies. Some of the many instances of environmental and social dislocations leading to human rights violations are presented below.

Gas flaring

Gas flaring has continued unabated. In Nigeria, Shell keeps almost 100 gas flares burning, day and night. Together, these gas flares produce as much CO2 as two million cars. But this gas could be used for other purposes, such as electricity generation. The once fertile wetlands of the Niger Delta have been transformed by the oil leaks into the world's largest oil disaster. Even during the colonial era, the British government was aware of the undesirability of the situation but took no action[1].

Several studies point to the devastating effects of gas flaring on people and the environment. According to a recent report (2011), gas flaring has had known effects on the Ogoni people and their environment. For example, noise pollution, itching and skin rashes, the discomfort generated by the light from 24/7, flaring, the black dust and soot that settle in people's homes and on food and clothes undermine the quality of life and the right of the people to live in a healthy environment in which to fulfil their potential.[2]

Regarding health, gas flaring causes acid rain, which acidifies the lakes and streams and damages crops and vegetation. It leads to corrosion of roofs. It is a known carcinogen which has affected human health, including causing miscarriages and congenital malformations, increasing the frequency of respiratory illnesses and cancer, amongst other ailments that have sent hundreds to an early grave. Its sulphur leads to low farm yields, affecting the farming livelihood of the people.[3]

Gas flaring has been prohibited in Nigeria since 1984 when a law on gas re-injection came into effect. Since then, oil companies have been prohibited from engaging in routine gas flaring and can flare only with a special permit from the responsible minister. However, the requirements for this special permit are unknown. Shell's flaring permit has not been made public, so it is impossible for local people to determine the grounds on which it was granted. Moreover, the fine for flaring gas is too low per cubic metre to act as a deterrent for oil companies.

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[1] See the report "Gas Flaring in Nigeria: A Human Rights, Environmental and Economic Monstrosity" (2005), by Environmental Rights Action/Friends of the Earth Nigeria, and Climate Justice , Amsterdam.

[2] See a report by Desmond Utomwen (2011) "Doubt Still Over Gas Flaring" , The News Magazine, April. See also report by Amnesty International (2009) Nigeria: Petroleum, Pollution and Poverty in the Niger Delta, London.

[3] Community folks also says that some yams harvested and fish caught demonstrate a loss of taste because of the oil spill contamination.

Shell has promised to extinguish the flares as a result of pressure from the Nigerian people, government and environmental organisations. But Shell has not yet kept these promises, exerting its political and economic influence on the national government so that it acquiesce in shifting the goal posts[4].
In reality, and according to a UNEP report (2011), Shell is not observing its own internal regulations nor national regulations, and this makes imperative an international binding mechanism.

A campaign to end gas flaring, led by Environmental Rights Action/Friends of the Earth (ERA/FoE), has been internationalized, culminating in a national court case brought by a coalition of international and local NGOs and the Iwherekan community against Shell as a test case.[5] The Federal High Court sitting in Benin City on 14 November 2005 ordered a stop to gas flaring, declaring it a "gross violation of the fundamental human rights to life and dignity, which include the right to a clean, poison-free, pollution-free healthy environment".[6]

Shell has displayed a total disregard for the Nigerian justice system, and no detailed phase-out scheme has ever been submitted. In spite of the long-standing laws against gas flaring in Nigeria, and because of shifting deadlines to end the practice, the activity continues, with serious health consequences for people living nearby, hence the need for a higher order to restrain Shell and compel it to end gas flaring.

Oil spills
More than 60% of people in the region depend on the natural environment of the Niger Delta for their livelihood. Shell's environmentally destructive practices in these communities have severely affected the people, for oil spills have destroyed farmland and fish ponds and polluted sources of drinking water.

Between 2004 and 2007, oil spills from Shell destroyed fish ponds and farmlands in the Bodo and Goi communities. In 2004, there was a major oil spill from the Trans-Niger pipeline, which runs through Ogoniland to the Bonny Export Terminal. Chief Barizaa Dooh, one of the plaintiffs in the case, had fish-ponds, a poultry coop and a bakery. The oil spill destroyed all his fish-ponds as well as other agricultural lands. The oil spills and fires have made the community rendered completely uninhabitable.[7] In 2005, the Oruma community in Bayelsa State suffered an oil spill from Shell's facility, which destroyed fish-ponds, farms and trees, losing their sources of livelihood. In the 2007 Ikot Ada oil spill case, the community suffered from pollution of their farmlands, ponds and community lands.

ERA/FoEN and its sister organization Milieudefensie based in the Netherlands took Shell to court in The Hague, to seek environmental clean up and compensation for the victims' loss of livelihood, including destruction of farmlands and fish-ponds in the Goi, Oruma and Ikot Ada Udo communities.

The Dutch court ruled that Shell and its subsidiary, SPDC, were not responsible for the spills that occurred at Oruma, Goi and Ikot Ada Udo between 2004 and 2007. SPDC was, however, held liable for not doing enough to prevent the

[4]In 1996 Shell promised it would stop flaring in 2008. In 2000 a new deadline was announced for 2004 as the flare out deadline In 2000 the Nigerian Minister of Environment stated that an agreement had been reached with the oil sector to end flaring in 2004. In 2002, Shell stated that everything would work out and that the flames would be extinguished in 2008. But in 2003, Shell repudiated its commitment to 2008. Other agreed deadlines were 2009, 2010, and 2013, making it clear that the company is out to buy time rather than to end gas flaring. Shell engaged in bulk passing and blamed its partners in the joint venture, who refused to co-finance investments for improvements, as well as on local people and insecurity as the Niger delta has become militarised.
[5] The government's inability to completely halt gas flaring in the country prompted the Iwherekan community in Delta State to sue *Shell Petroleum Development Company of Nigeria Limited (SPDC)* for its continued flaring of gas.
[6]See the Federal High Court of Nigeria Benin Judicial Division judgment in the case Between Mr. Jonah Gbemre and Shell Petroleum Development Company Nigeria Ltd, Nigeria National Petroleum Corporation, Attorney general of the Federation, in suit No: fhc/b/cs/53/05 (Judgment of 14 November, 2005). Available at http://www.climatelaw.org/cases/case-documents/nigeria/ni-pleadings.doc
[7] Although the former residents of Goi now live scattered among neighbouring communities in the area, which are less damaged, they still meet in their town hall by the waterside as often as possible to stay united and rekindle the hope of living together in the near future.

sabotage that resulted in the oil spill. The court ruled that in the case of the oil spill at Ikot Ada Udo, SPDC could have prevented the sabotage by plugging the well at an earlier stage.[8]

The case is now being appealed, to compel Shell to pay compensation, but the company continues to escape from justice because of technicalities rather than the substance of the case. Clearly, the rights of the fishers have been violated, for the entire Goi community has had to vacate its ancestral home and the Goi acid lake that Shell left behind in the community river and floodplains.

UNEP Report on Ogoniland

The Ogoni are a closeknit minority tribe of farmers and fishers in Rivers State in Southern Nigeria. Their territory, Ogoniland, was once considered the bread basket of Rivers State.[9] As environmental degradation became more and more widespread, in 1990, the Ogoni, through their representative organisation, the Movement for the Survival of the Ogoni People (MOSOP), embarked on a peaceful campaign to stop Shell's devastation of their natural environment. The Ogoni gained international attention after a massive public protest against Shell Oil led by the MOSOP, which demanded that oil companies and the government clean up the environment and pay adequate compensation and royalties to the oil-producing regions.

The case of environmental degradation, community protests and state murder of activists with Shell's complicity are well known.[10]

The report on the pollution of Ogoniland prepared by the United Nations Environment Program (UNEP), released on 4 August 2011, unequivocally shows that the MOSOP under the prescient leadership of Ken Saro-Wiwa was not crying wolf when it maintained that grave injustice and human rights violations had indeed been inflicted on Ogoni. The UNEP assessment presented to President Goodluck Jonathan showed hydrocarbon pollution in surface water throughout the creeks of Ogoniland up to 8 cm and in groundwater that feeds drinking wells at 41 sites, including a serious case at Nisisioken Ogale in Eleme, Rivers State. Soils were found to have been polluted with hydrocarbons up to a depth of five metres in 49 observed sites, while benzene, a known carcinogen, was found in drinking water at a level 900 times above World Health Organization (WHO) acceptable levels. The report also documented that fisheries have been destroyed and that wetlands around Ogoniland are highly degraded and facing extinction. Combined, these have led to irreparable loss of livelihoods and will take at least 30 years to remedy.[11] In January 1997, over 80,000 Ogonis celebrated Ogoni Day in spite of the increased repression. Four people received gun shot wounds whilst 20 people were arrested, tortured and detained. According to the MOSOP: "In recent months since the anniversary of the judicial murder of the late Ogoni leader Ken Saro-Wiwa and eight others, a frightening wave of state terrorism has been unleashed on the area with the deployment of over 2,000 armed soldiers. ... the Ogoni stand on the threshold of complete extinction"[12]. The World Council of Churches issued a report confirming the dire situation in the delta: "A quiet state of siege prevails even today in Ogoniland. Intimidation, rape, arrests, torture, shooting and looting by the soldiers continue to occur.[13]

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[8]The claim of sabotage by Shell and upheld by the court is highly held circumspect by the victims especially spills occurring from corrosive pipelines that are more than 35 years old. Shell fails to conduct pipeline integrity tests and to change them but has chosen to criminalise the people to avoid liability.

[9]I. Okonta, I and O. Douglas, *Where Vultures Feast: Forty Years of Shell in the Niger Delta*, Published by ERA/ FoEN (2001), p. 99.

[10]In 1993, the MOSOP declared Shell persona non grata and expelled it from the Ogoni oilfields. Gross human rights violations followed as hundreds of Ogonis were hunted down and killed while hundreds more fled the country and went into exile in the United States, the United Kingdom, South Africa, Ghana, and the Republic of Benin. On 10 November 1995, the environmentalist and author Ken Saro-Wiwa and eight others were put to death on orders from the Nigerian military regime in collusion with the transnational oil corporations after a military tribunal had convicted them on trumped up charges of murder at a trial that garnered international condemnation. Shell supported the repression of Ogoni activists by arming and financing soldiers who occupied Ogoniland between 1993 to 2000. A new wave of insecurity has led to the militarization of Ogoniland till the present.

[11] UNEP Environmental Assessment Report: *On Ogoniland; One Year of Inaction*; ERA/ FoEN Newsletter,July 2012

[12] MOSOP UK (1997), Ogoni Must survive, Press Release, January 4. In: "All for Shell , A Brief history of the struggle for justice in the Niger Delta, 1997, by project Underground.

[13]World Council of Churches (1997) Ogoni- the struggle continues: WCC Report, Switzerland, January 3.

That Shell and the Nigerian government failed to implement the recommendations of the UNEP is even more disturbing and bespeaks high level impunity. The UNEP had recommended an initial clean up and restoration fund of US$ 1 billion, and establishment of a medical health complex, as well as distribution of relief materials and warning signposts erected on acid lakes that are currently used as swiming pools by Ogoni childrem. To date, virtually nothing has been done to restore the enviornment or heal the wounds of injustice and human rights violations.

Shell Bonga Spill

The Shell Bonga oil spill emanated from a Shell facility on 20 December 2011, during which 40,000 barrels of crude oil spilled into the Atlantic Ocean affecting the fishers whose source of livelihood is the ocean waters. The announcement by the National Oil Spill Detection and Response Agency (NOSDRA), ordering the fishers out of the waters, led to a suspension of their activities. Compliance with the stay away directive by the NOSDRA from 22 December 2011 to 23 April 2012 caused hardship and loss of income for some 30,000 fishers across the five states of the Niger delta.

The communities alleged that harmful chemical dispersants such as Slickgone NS, Corexit 9500 and 9527 and Biosolve, among others, which Shell Nigeria Exploration and Production Company Limited used to breakdown and disperse the spilled crude oil of 20 December 2011 at Bonga field, in turn spread to the fishing areas, where they became the causes of the diseases afterward prevalent in the communities.

Common ailments affecting the communities included mental disorders; hypertension; eye irritations; nose, throat and skin lesions; vomiting and rectal bleeding; liver and kidney damage; short-term memory loss and confusion; respiratory problems; miscarriages; blood in urine.

Following this Bonga oil spill, the NOSDRA imposed a US$ 5 billion fine on the Shell Petroleum Development Company.[14] The Nigerian Maritime Administration and Safety Agency (NIMASA) Director General, Patrick Akpobolokemi had earlier said at a public hearing organized by the House of Representatives Committee on Environment that the maritime agency calculated a total of $6.5 billion as compensation to be paid to the communities affected by the spill as damages. [15]

Conclusion

International and local advocacy as well as national regulatory agencies have not been able to compel Shell to change and to respect human rights in the Niger delta in any of these cases. None has been resolved in favor of the communities nor has any remedy been implemented. Shell refuses to respect the regulatory agencies, national governments and the laws of the land, making it look as if the regulated have become the regulator. This level of impunity demonstrates the dire need for an international mechanism to hold companies to account uniformly rather than allowing for voluntary company mechanisms that are not legally binding.

The binding mechanism should be made uniformly applicable on a global scale. The treaty should involve preventive measures covering environmental and human rights violations rather than the current ineffective manipulative compensation regime. Prior and informed consent must be a condition to negotiate with the communities.

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[14]See "A commentary on the $5 billion Fine imposed on Shell Nigeria Exploration and Production Company by NOSDRA", available at: Community. Vanguardngr.com/forum/topics/a-commentary-on-the-5-billion-imposed-on-snepco-by-nosdra.

[15]Ibid. The NIMASA director said: "The kind of impunity Shell and its allies have demonstrated so far in the Niger Delta area must stop if the future of the people of Nigeria and the environment are to be protected. … And in other climes when spills like this occur, the first thing is remediation, attention to the affected communities and finding ways of reducing the sufferings of the people and restoring the eco-system, but Shell fell short of all these criteria and of course it is sad that it is only in Nigeria that we can witness this degree of impunity. In NIMASA, we see this as a serious infraction of our laws; the damage done to the communities and the eco-system can be seen as genocide."

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Universal periodic review

Written statement* submitted by CIVICUS - World Alliance for Citizen Participation, a non-governmental organization in general consultative status

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Viet Nam's human rights record*

I. INTRODUCTION

On 1 January 2014, Viet Nam began its three-year term as a member of the UN Human Rights Council (HRC). As a member of the HRC, Viet Nam is expected to commit to cooperating with the HRC while upholding the highest standards in the promotion and protection of human rights. However, despite these commitments, the Vietnamese government has severely escalated its systematic campaign to silence all forms of independent dissent in the country.

Together with CIVICUS: World Alliance for Citizen Participation, we urge the HRC to engage the Vietnamese government to ensure that human rights defenders are permitted to carry out their legitimate work including openly and substantively engaging with UN human rights mechanisms such as the UPR.

1. Reprisals against Human Rights Defenders for engaging with the UPR

Civil society groups play an essential role in all stages of the UPR process. However, in an apparent attempt to stifle independent reporting on Viet Nam's human rights record, the Vietnamese authorities' have sought to undermine civil societies' engagement in the process through a combination of harassment, intimation, judicial persecution and unwarranted restrictions on the freedom of movement. .

On 15 January 2014, blogger Nguyen Ho Nhat Thanh, also known as Paulo Thanh Nguyen (DOB 03/28/1987) had his passport confiscated and was banned from traveling to the USA and Geneva, Switzerland for "security reasons". To date, his passport has not been returned to him despite repeated appeals.

Similarly, on 1 February 2014, journalist Pham Chi Dung (DOB 10/12/1966) also had his passport confiscated and was banned from travelling to Geneva to attend a UPR side event, four days before Viet Nam's review under the UPR.

Ms. Nguyen Thi Tram (DOB 09/02/1949), mother of human rights lawyer Le Quoc Quan, was also subjected to harassment for engaging with the UPR. On 17 February 2014, upon returning from Geneva after attending Viet Nam's examination at the HRC, Ms. Nguyen was strip-searched at Tan Son Nhat airport. The search was both invasive and excessive.

Another member of this UPR delegation, Mr. Dang Van Ngoan (DOB 07/02/1988) has faced unrelenting harassment since his return from Geneva. Mr. Dang is a member of the Hoa Hao Buddhist Church, an independent religious group. Since returning to Viet Nam, the authorities have repeatedly requested him to report to them for 'immigration related matters'.

In addition to unwarrantedly restricting freedom of movement and the right to privacy, Vietnamese authorities have also used physical violence in order to obstruct civil societies' participation in the UPR participation. Blogger Bui Tuan Lam, aka Peter Lam Bui (DOB 05/06/1984), a member of the civil society UPR delegation which attended the UPR session on 05 February 2014, was detained and questioned for 8 hours at Tan Son Nhat airport upon his return from Geneva. Mr. Bui's passport was also confiscated. Thereafter, on 16 April 2014, Mr. Bui was ambushed and physically attacked by 8 policemen on a deserted road near Ky Trung Bridge in Tam Ky city, Quang Nam province. He sustained internal injuries as a result of this incident.

On 9 February 2014, human rights lawyer Nguyen Bac Truyen (born 1968) and founding member of the Association of Political and Religious Prisoners, an organization which formed part of the UPR delegation, along with his fiancé, were arrested and detained in Dong Thap province. Mr. Nguyen's property was destroyed and his laptop, cell phone, and camera were confiscated. Upon his release, he traveled to the capital, Ha Noi, where he was severely assaulted when he tried to inform international embassies about their harassment and detention.

2. Arbitrary detention of Human Rights Defenders

Following Viet Nam's UPR examination, the People's Supreme Court on February 18 heard human rights lawyer Le Quoc Quan's appeal. The Court, however, took only one day to affirm his 30-month sentence for "tax evasion", although the evidence presented by the prosecution was doubtful and insufficient to establish guilt. The court also denied Mr. Le a public trial and the Criminal Procedure Code prevented him from having access to legal assistance to prepare his appeal.

On 4 March 2014, the Da Nang City Court sentenced former journalist and blogger Truong Duy Nhat (born 1964) to two years imprisonment for 'abusing democratic freedoms to infringe upon the interests of the State' under Article 258 of Viet Nam's Criminal Code, often used to criminalize dissent.

On 19 March 2014, blogger Pham Viet Dao (DOB 04/10/1952) was also sentenced to 15 months imprisonment under the same Article 258. During Viet Nam's session on February 05, many countries, including France, Australia and Canada, specifically recommended that Viet Nam abolish Article 258.

On a separate occasion, the authorities arbitrarily detained activist Ms. Bui Thi Minh Hang (DOB 07/20/1964), along with two members of the Hoa Hao Buddhist Church, Ms. Nguyen Thi Thuy Quynh (born 1986) and Mr. Nguyen Van Minh (born 1960). On 11 February 2014, they were stopped, arrested and assaulted while on their way to visit a fellow activist. They have since been charged with "disturbing public order" and are awaiting trial. To date, the government prevented these individuals to meet with family members, a violation of Viet Nam's own law.

On 5 May 2014, the authorities also arrested blogger Nguyen Huu Vinh, aka Anh Ba Sam (DOB 09/15/1956), along with his assistant Ms. Nguyen Thi Minh Thuy (born 1980). They have since been charged under Article 258. Mr. Nguyen is the owner of blog "Anh Ba Sam" which publishes articles promoting human rights and critical of government policies.

3. Suppression of Activities Promoting Human Rights

On 19 April 2014, bloggers Paulo Thanh Nguyen, Ms. Trinh Kim Tien (DOB 07/10/1990) and Ms. Nguyen Ngoc Nhu Quynh, aka Mother Mushroom (DOB 07/18/1979), were arbitrarily arrested at a coffee shop by Nha Trang city police while attempting to participate in a workshop on the UN Convention against Torture, a treaty which Viet Nam recently signed. Ironically, they were detained for 12 hours, interrogated and assaulted by the authorities before being released.

Two bloggers, Mr. Nguyen Lan Thang (DOB 12/18/1975) of the No-U Hanoi group and Ms. Anna Huyen Trang (DOB 07/19/1988) of the Redemptorist Church, were banned from travelling abroad and had their passports confiscated in April 2014 after attempting to travel to the USA at the invitation of US Congresswoman Loretta Sanchez.

In May 2014, upon returning from a human rights advocacy campaign in the USA, blogger Nguyen Dinh Ha (DOB 12/24/1988) was arbitrarily detained at Tan Son Nhat airport for 24 hours, and blogger To Oanh (DOB 08/19/1947) was detained at Noi Bai airport for 7 hours. Both individuals had their passports and belongings confiscated.

On 18 May 2014, the authorities prevented independent civil society organizations in Ha Noi and Ho Chi Minh City from protesting against China's aggression in the East Sea. Some 30 protestors were arrested, nine of whom were detained overnight. Those arrested include blogger Vo Quoc Anh (DOB 08/18/1985), blogger Huynh Trong Hieu (DOB 08/04/1988), and blogger Trinh Anh Tuan (06/26/1990), who were severely beaten and deprived food for 24 hours.

II. CONCLUSION

Since becoming a member of the HRC, the Vietnamese government has failed to take the necessary steps to improve its human rights record. Instead, the environment for human rights defenders has significantly deteriorated following Viet Nam's examination under the UPR, including targeted persecution of peaceful activists for engaging with UNHRC mechanisms

We therefore respectfully request the HRC to closely monitor the recommendations Viet Nam accepts on 20 June 2014 under the second cycle of the UPR to ensure that it adheres to its obligations under international law, concerning the following 10 thematic areas identified by Member States during the UPR process:

1. **A safe and enabling civil society environment**
2. **Standing invitation to all UN special procedures**
3. **Right to a fair trial, legal assistance and equal treatment**
4. **Reform concerning the death penalty**
5. **Reforming Viet Nam's Criminal Code and national security provisions such as Article 79, 88, and 258**
6. **Protection of human rights defenders**
7. **Ratification and implementation of the Convention against Torture**
8. **Freedom of Expression and Internet Freedom**
9. **Freedom of Assembly as guaranteed under the ICCPR**
10. **Freedom of Religion as guaranteed under the ICCPR**

* Civil Society Forum, Network of Vietnamese Bloggers, Vietnam Path Movement, No-U FC, No-U Sài Gòn, Vietnamese Redemptorist News, Dan Lam Bao, Association of Former Political and Religious Prisoners, Brotherhood for Democracy, Hoa Hao Buddhist Church, Association of Workers & Farmers Solidarity, Aggrieved Citizens Struggle Alliance Movement, Association of Religious Freedom Protection, Vietnam Interfaith Council, United Buddhist Church of Vietnam Sangha and VOICE without consultative status, also share the views expressed in this statement.

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Twenty-sixth session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Society for Threatened Peoples, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[26 May 2014]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.14-04485 (E)
1404485

Please recycle

Humanitarian and Human Rights Situation in Sudan

Armed conflicts in the Darfur regions in western Sudan have escalated in the year 2014. Eleven years after the crimes against humanity started in western Sudan, tens of thousands of people were displaced after attacks by the paramilitary Rapid Security Forces (RSF). This militia has been armed by the Sudanese army in the year 2013 to assist state authorities in fighting the armed rebellion in South Kordofan state. After failing to crush the rebellion in the Nuba Mountains the militia returned to western Sudan in January and February 2014 and has caused widespread terror among the civilian population. The local population perceives the RSF as the "new Janjaweed" threat, remembering the deliberate killings by Janjaweed militias in the years 2004 / 2005 in Darfur. Sudanese state authorities have to ensure an immediate disarmament of RSF, should end impunity and guarantee the respect of basic human rights by militia fighters.

At the end of February 2014 in a short period of only 14 days some 60 villages in North and South Darfur were attacked by RSF and more than 130,000 people were forced to flee their villages and sought protection in camps for internally displaced people (IDP). In the first five months of the year 2014, the civilian population in Darfur has experienced more displacement than in any single year since the height of the Darfur conflict in the year 2004. Since January 2014, some 300,000 Darfuris were forced to flee and some 160 villages have been attacked by militias. In the year 2013, some 380,000 people were displaced in western Sudan.

The IDP camps were overwhelmed by the influx of many people in desperate need for humanitarian assistance. Poor hygiene and sanitation facilities and a lack of medical equipment have caused massive health risks in the camps. Malaria, diarrhoea, skin diseases and eye infections were widespread, especially among the children who were under five years old. Some 70 percent of the IDP are less than 18 years old.

Continued air raids by the Sudanese Air Force against villages in the Jebel Mara Mountains have caused terror and confusion among the civilian population. Satellite photos have documented that hundreds of huts were destroyed by bombings. Despite continuous appeals of the UN Security Council to end targeting the civilian population by air raids, the Sudanese forces have been continuing their bombing campaign causing the death of dozens of civilians, among them many children.

The deliberate ground attacks on villages by RSF and other militias were accompanied by rapes, looting, kidnappings, killings and other massive human rights violations. Leading representatives of civil society organizations in Darfur have condemned the human rights violations and addressed a memorandum to President Omar Hassan al Bashir, state governors and the Sudanese parliament, urging an immediate cessation of the hostilities as well as full and free access for aid agencies to the civilian population.

Society for Threatened Peoples is deeply concerned about continued limitations of humanitarian access imposed by Sudanese authorities. Instead of supporting the relentless relief efforts of international aid agencies, the Sudanese authorities are intimidating humanitarian organizations and deliberately denying them access to IDP camps. The suspension of the activities of the "International Committee of the Red Cross (ICRC)" in February 2014, of the French NGO "ACTED" in March 2014 and of the British NGO "Merlin" in April 2014 by the Sudanese authorities had a disastrous effect on the relief assistance to people in need. Furthermore, many other NGOs have experienced restrictions on their humanitarian activities in IDP camps. Despite a desperate need of humanitarian relief, the official Humanitarian Aid Commission has been urging numerous aid agencies to stop their activities in crisis regions of Darfur.

We are very much concerned about ongoing air raids and fighting in South Kordofan and Blue Nile. Air attacks on churches, hospitals and markets have caused tremendous pain and fear among the civilian population and have provoked an exodus from many villages. Despite repeated calls by the UN Security Council and the international community, Sudan still blocks humanitarian access to the civilian population living under the control of SPLM-North in conflict areas. The deliberate denial of humanitarian access is a crime against humanity and must stop immediately.

Society for Threatened Peoples calls on the UN Human Rights Council to urge the Government of Sudan to:

- Immediately stop air raids on civilian villages;
- Allow for free and unhindered access for aid agencies to the civilian population in all conflict areas and IDP camps;
- End the suspension of humanitarian NGOs providing relief to IDP camps;
- Disarm the paramilitary Rapid Security Forces (RSF);
- Ensure a better protection of the civilian population, especially to prevent politically motivated rapes in Darfur;
- End impunity and to ensure that basic human rights are respected by the authorities and their militias.

United Nations A/HRC/26/NGO/103

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Human Rights Council
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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Human Rights League of the Horn of Africa, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

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Please recycle

(Human Rights in Ethiopia)

HRLHA is a non-political organization which attempts to challenge human rights abuses suffered by the peoples of various nations and nationalities in the Horn of Africa. HRLHA is aimed at defending fundamental human rights including freedoms of thought, expression, movement and organization. It is also aimed at raising the awareness of individuals about their own basic human rights and that of others. It focuses on the observances as well as the due processes of law. It promotes the growth and development of free and vigorous civil societies.

Executive Summary

This report covers mainly the gross human right violations in Ethiopia that have happened in the past twenty- three years in general, and the current human rights crisis in the Regional State of Oromia in Ethiopia in particular.

The EPRDF/TPLF Government has committed gross human rights violations against the people of Ethiopia since it came to power in 1991 after toppling the dictatorial Dergue regime, contrary to the constitution of Ethiopia (1995) and international human rights treaties it has signed and rectified. It has continued to suppress the freedom expression, political and civil rights and, as a result, has sent dozen of journalists, bloggers, and hundreds of leaders and members of opposition political parties to jail. In violations of the right to protest and demonstrations, peaceful demonstrators have been shot at and killed, kidnapped and disappeared; hundreds have been arrested in mass and detained. A good case in point is the most recent very violent attack against unarmed and peaceful protestors of Oromo students of universities, colleges, and high schools in the regional state of Oromia.

Methodology

The information in this report is mainly based on HRLHA's reports on human rights violations in Ethiopia as well as reports from other sources such as various international human rights organizations and civil society groups, and the US State Department annual country report of 2013.

Violations of Fundamental Rights

The current EPRDF government claims that the basic and fundamental rights of the citizens are respected in Ethiopia, and that the country is heading towards democracy. However, on the contrary, the basic and fundamental rights of citizens enshrined in the Ethiopian Constitution of 1995, under Chapter three (*fundamental rights and freedoms, articles 13-28 and democratic rights ,articles 29-44*)[1] which guarantees civil liberty and life in peace and harmony has been extremely violated. In the above articles are included individuals and common rights, such as equality before the law, freedom of speech and expression, freedom of association and peaceful assembly, freedom to

[1] Constitution of the Federal Democratic Republic of Ethiopia 1995, http://www.wipo.int/wipolex/en/text.jsp?file_id=193667

practice religion. All are highlighted on paper only for the political consumption. In other words they are used as a cover-up for the gross violations of human rights..

Democratic Rights

After the first global expression of rights, the Universal Declaration of Human Rights, to which all human beings are inherently entitled, has been adopted by the United Nations General Assembly in 1948. The international, regional and national documents were created to enforce the promotion of the rights enshrined in the declaration. Peaceful assembly (Article 20(1)) in the UDHR, while often characterized by marches, rallies and mass demonstration, which obviously involves the presence of a number of individuals in the public places, has been echoed in international law, regional standards, and national constitutions throughout the world.

It becomes customary that in different parts of the world people are expressing their grievances/ dissatisfactions and complaints against their governments by peaceful demonstrations and assemblies. When such nonviolent and peaceful civil rallies are taking, place it should always be the state's responsibility to respect and guard their citizens' freedom of peaceful assembly and demonstration. These responsibilities also should apply even during times of political protest, when a state's power is questioned, challenged, or perhaps undermined by assemblies of citizens practicing in nonviolent resistance.

The 1995 Constitution of the Federal Democratic Republic of Ethiopia, articles 29 and 30 also grant these democratic rights to the Ethiopian citizens without distinction[2]. The Right of Thought, Opinion and Expression, The Right of Assembly, Demonstration and Petition are the rights of Ethiopian citizens through which they can express their opinions and dissatisfactions with the performances and activities of their government

However, in the past two decades the current Ethiopian government proved that peaceful assemblies and demonstrations, expression of thoughts are not tolerated. Since the current government came to power in 1991, thousands of citizens who held political agenda different from the ruling party's were systematically jailed, abducted or killed. Those who criticized the government of Ethiopia including journalists, bloggers, universities and high school students and teachers who took to streets to demand their rights peacefully were beaten, arrested and detained or killed. The Human Rights League of the Horn of Africa has been reporting in different ways on the systematic human rights violations by the Ethiopian government and its security agents against peaceful demonstrators. These include the recent case of Oromo students from different universities and colleges. The Oromo students were discriminately targeted particularly in the past six years[3]. The current political crises in Oromia regional state of Ethiopia is the continuation of

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[2] Constitution of the Federal Democratic Republic of Ethiopia 1995, http://www.wipo.int/wipolex/en/text.jsp?file_id=193667

[3] http://humanrightsleague.com/2014/03/14033/, http://humanrightsleague.com/2013/03/ethiopia-academic-institutions-are-meant-to-teach-not-to-serve-as-political-tools/, http://humanrightsleague.com/2013/01/ethiopia-beatings-arrests-and-detentions-at-addis-ababa-university/
http://humanrightsleague.com/2012/02/widespread-violence-against-students-in-ethiopia/, http://humanrightsleague.com/2012/01/continued-violence-in-academic-institutions/

the above facts. Peaceful protests against the so called the Master plan of Addis Ababa, which is likely to cause the estimated eviction of around 6 million Oromo peasants around the area and planed to be sold to the wealthy non-Oromos, should not be considered as a criminal activity. Instead it should be tolerated and be considered as one of the ways that the citizens can express their thoughts and concerns on the development plan of the government in which they were not consulted and did not give their consent.

The Addis Ababa Expansion-related protests quickly spread around universities, colleges and high schools all over Oromia. And in response, contrary to the provisions in the constitution of the land and international basic and fundamental rights of the citizens, the Ethiopian government launched a brutal crackdown against peacefully demonstrating Oromo students in order to freeze the peaceful demand of the protestors. As a result of this brutal crackdown by special squads, more than 36 students were killed, hundreds wounded and thousands of others arrested and thrown into detentions. The protest against the expansion of Addis Ababa was not limited to students only, but also involved city dwellers, farmers and workers in Oromia. The most affected area was the Ambo Town and its surroundings where 16 University and high school students were killed, including the eight (8) year old boy.

The Ethiopian Government's atrocities that targeted the Oromo nation during the nationwide protest from April 24 to May 24, 2014 have been condemned by worldwide human rights organizations, public media, and other civic organizations..

The Human Rights Watch[4], Amnesty International[5], Oromia Suport Group[6], Human Rights League of the Horn of Africa[7], The guardian[8], BBC[9] , CNN[10] and The Create Trust[11] are among the organizations which condemn and reported the crime against humanity taken against the Oromo nation by Ethiopian armed force.

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http://humanrightsleague.com/2011/08/kidnappings-and-disappearances-of-university-students/
http://humanrightsleague.com/2011/05/ethiopia-a-generation-targeted-the-futures-of-a-nation-at-risk/#respond
http://humanrightsleague.com/2011/04/ethiopia-human-rights-league-of-the-horn-of-africahrlha-urgent-action-and-appeal-2/

[4] Ethiopia: Brutal Crackdown on Protests, http://www.hrw.org/news/2014/05/05/ethiopia-brutal-crackdown-protests

[5] ETHIOPIA: AUTHORITIES MUST PROVIDE JUSTICE FOR SCORES OF PROTESTERS KILLED, INJURED AND ARRESTED IN OROMIA, HTTP://WWW.AMNESTY.ORG/EN/LIBRARY/INFO/AFR25/002/2014/EN

[6] Press Release from the Oromia Support Group (OSG) on the Oromo demonstrators arrested, beaten and shot dead by the Ethiopian Agazi Security Forces, **7 May 2014,** http://ayyaantuu.com/human-rights/press-release-from-the-oromia-support-group-osg-on-the-oromo-demonstrators-arrested-beaten-and-shot-dead-by-the-ethiopian-agazi-security-forces/

[7]Ethiopia: Ambo under Siege, Daily Activities Paralyzed HRLHA Urgent Action, 13 May, 2014
http://humanrightsleague.com/2014/05/ethiopia-ambo-under-siege-daily-activities-paralyzed-hrlha-urgent-action/
-ETHIOPIA: Region-Wide, Heavy-Handed Crackdown on Peaceful Protesters HRLHA Urgent Action, May 01, 2014
http://humanrightsleague.com/2014/05/ethiopia-region-wide-heavy-handed-crackdown-on-peaceful-protesters-hrlha-urgent-action/
-Ethiopia: Worrisome Situations in Detention Centres HRLHA - Urgent Action, May 24, 2014

http://humanrightsleague.com/2014/05/ethiopia-worrisome-situations-in-detention-centres-hrlha-urgent-action/

[8] Ethiopia crackdown on student protests taints higher education success, http://www.theguardian.com/global-development/poverty-matters/2014/may/22/ethiopia-crackdown-student-protest-education

The Ethiopian Government has repeatedly implemented various excessive forces to dissolve peaceful protests in violations of international treaties it has signed and ratified. The responses to legal, constitutional and peaceful protests should not include actions that violate human rights, such as arbitrary arrests and detentions, even guns or other violence. HRLH believes many atrocities, that were not reported on due to the tight controls, restrictions, and censorships on all local and international media, are taking place. The Ethiopian Government does not have any justification for the illegality of the protests for taking such brutal action against peaceful and unarmed students and other protestors. An illegal protest may happen if the protest becomes violent or is in violation of the state's laws of public order and civility.

Even if some peaceful protests include deliberate acts of civil disobedience, in which case it is permissible for states to make individual arrests of law offenders. However, as recognized by an HRC panel discussion on the matter (A/HRC 19/40)[12], the increasing use of criminal law against protest participants may ultimately contradict the states' responsibility to uphold the right to peaceful assembly. In this situation the Ethiopian Government clearly violated the right to legal peaceful protest.

Recommendation:

1. The Ethiopian Government first of all must respect and implement the rights of citizens enshrined in the constitution of the country (1995) and enforce the Ethiopian penal code of 2004

[9] Ethiopia protest: Ambo students killed in Oromia state, http://www.bbc.com/news/world-africa-27251331

[10] Ethiopian Security Forces Open Fire on Students, http://ireport.cnn.com/docs/DOC-1125264

[11] When Enough is Enough: Rise up People of Ethiopia, May 23, 2014
http://thecreatetrust.org/

[12] Summary of the Human Rights Council panel discussion on the promotion and protection of human rights in the context of peaceful protests prepared by the Office of the United Nations High Commissioner for Human Rights
http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session19/A-HRC-19-40_en.pdf

2. Ethiopia must avoid an excessive force in response to Oromo protests

3. The Ethiopian Government must abide by all international human rights instruments to which the country is a signatory

4. The Ethiopian Government must **allow** a fully **independent**, civilian-led **investigation** into the death of Oromo students and civilians including gross human rights violation in Oromia.

United Nations A/HRC/26/NGO/104

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Written statement* submitted by the International Muslim Women's Union, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

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1404502

Please recycle

IMWU's statement on the abolition of school girls in Boron state, Nigeria 5/5/2014

IMWU is extremely concerned by the recent abduction some 100, 12-17years old girl who were taken from their school hostels in Chibouk, Boron state, in Nigeria on the night 14th April.

We strongly condemn and abhor such act of transgression of the rights of the innocent girls.

Whoever is responsible to such unlawful act, we urge to release them if they have not done that yet. Girls and women a live have their God given rights to live away form of discrimination.

We in IMWU firm against such behavior and hope the plight of these innocent girls has ended.

United Nations A/HRC/26/NGO/105

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Human Rights Council
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Agenda item 4
Human rights situations that require the Council's attention

Joint written statement* submitted by the International Youth and Student Movement for the United Nations, a non-governmental organization in general consultative status, the Union of Arab Jurists, Arab Organization for Human Rights, General Arab Women Federation, Indian Movement "Tupaj Amaru", International Volunteerism Organization for Women, Education and Development - VIDES, Organisation Mondiale des associations pour l'éducation prénatale, Organisation pour la Communication en Afrique et de Promotion de la Cooperation Economique Internationale - OCAPROCE Internationale, United Towns Agency for North-South Cooperation, Women's International League for Peace and Freedom, non-governmental organizations in special consultative status, Indian Council of South America (CISA), International Educational Development, Inc., International Human Rights Association of American Minorities (IHRAAM), World Peace Council, non-governmental organizations on the roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

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GE.14-04493 (E)
1404493

Please recycle

Towards Accountability and Justice for Iraq**

Introduction *

Justice for war crimes and crimes against humanity is an essential element of building respect for human rights world-wide. Certain crimes, such as genocide, war crimes, crimes against humanity, torture, "disappearance" and extrajudicial executions, are so serious that they amount to an offence against the whole of humanity and, therefore, all states have a responsibility to bring those responsible to justice.[1]

The principle is reflected in numerous international documents, including the preamble to the Rome Statue of the International Criminal Court (ICC) Statute, which provides: 'Affirming that the most serious crimes of concern to the international community as a whole must not go unpunished and that their effective prosecution must be ensured by taking measures at the national level and by enhancing international cooperation', reaffirming "the Purposes and Principles of the Charter of the United Nations, and in particular that all States shall refrain from the threat or use of force against the territorial integrity or political independence of any State".[2]

Universal jurisdiction hence is a main principle of bringing perpetrators of grave crimes to justice, no matter where the crime was committed and regardless of the nationality of the perpetrators or their victims. Although however there is a broad consensus on these fundamental purposes and principles of the United Nations charter, there is rising criticism about the effectiveness of the international community's and United Nation's policy, in view of numerous failures of the international community during the past decades.

Among these important failures was certainly the inability of the United Nations to prevent the illegal war and subsequent occupation of Iraq in 2003. Moreover, the accountability for these actions was not ensured by bringing the perpetrators from the occupying powers to justice and providing the victims with respective reparation. It is however a grave danger to the credibility of the international community, if great powers are getting away with impunity for their own grave violations of international law.

One of the main reasons for such inconsistencies is double standards in the pursuit of justice.

The recent calls by the USA for sanctions on basis of other countries violations of principles on non-use of force stands in dire contrast to the lack of accountability for its own war crimes against the people of Iraq, whose suffering continues until this day.

The damage inflicted on Iraq

It is extremely difficult to measure all the damage inflicted on Iraq and the suffering of the Iraqi people as a result of the invasion and occupation. Various estimations suggest figures to be up to 1 or 2 million Iraqi civilian died as a result to the US invasion and occupation[3], not to forget the almost 5 million children who have lost a parent and about estimated 5 million internally and externally displaced (up to20% of the Iraqi population) who often live in dire conditions of extreme poverty and are subjected to multiple displacements. [4]

Amid the worrying figures is the number of missing people as a result of the war. Different estimations range from 250.000 up to one million[5], among them over 90.000 children[6]. Thousands of families were left alone by both, the US

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* This report prepared by Geneva International Centre for Justice (GICJ)

1http://www.amnestyusa.org/sites/default/files/pdfs/ij_handbook_fall_2010_final.pdf

2http://www.iccnow.org/documents/rome-e.pdf

3The guardian, 7 February 2014, "The truth about the criminal bloodbath in Iraq can't be 'countered' indefinitely" http://www.theguardian.com/commentisfree/2014/feb/07/west-criminal-bloodbath-iraq-media-cover-up?CMP=fb_gu

4 A report issued by the International Red Cross in 2009 noted that the number of missing in Iraq has reached one million people.

5 A report issued by the International Red Cross in 2009, noted that the number of missing in Iraq has reached one million people

and the Iraqi government, in the search for their relatives, whose names have forever vanished[7] in the chaos of war and occupation, during which targeted attacks, arbitrary arrests and extrajudicial executions occurred on a regular scale and continue under the current government until this day[8].

Before the war, women in Iraq made important advances in regards to access to education, health care, family rights, the right to serve in the government and active involvement in the political life and economic sphere. The US-invasion and occupation of Iraq worsened the situation of women, which has already deteriorated during the UN sanctions. A wave of sexual violence and abductions against women in Baghdad following the invasion was reported.[9] Many women were taken hostage, tortured, and sexually abused. One of the most known crimes in this regard is the Mahmudiya killings, the gang rape and murder of a 14 year old girl by the US soldiers in Iraq in March 2006.

Among the insidious consequences of the Invasion is the disastrous situation of the Iraqi judicial system. In 2014 arbitrary arrest, denial of due process, torture and mistreatment are still the norm rather than the exception and execution rates have risen to record heights. The targeting by military forces of civilians in campaigns of arbitrary arrests, torture and abuse in prisons is widespread and mass executions occur on a regular scale. The situation reflects the failure of the US and UK to hold their troops accountable for abuses in detention and extra judicial killings. The impunity with which these forces operated has paved the way for the current government to make excuses for abuses, failure of law and order, and lack of accountability.

The invasion has further destroyed the country's infrastructure. This can be seen in the collapse of public services since the invasion and occupation. The war devastated Iraq's electrical infrastructure, oil industry, irrigation network, bridges, roads, airfields, communication systems, factories, and ports. In 2014 about 23 percent of Iraq's estimated 30 million people live under the poverty line and 600.000 orphans live in the streets. Prior to the invasion, the Iraqi health and educational systems were considered to be among the most advanced in the region. Prior to the invasion a centralized system of healthcare enabled the entire Iraqi population to access free healthcare and the country's immense oil reserves were used to pay for medication and medical equipment, as well as for foreign healthcare workers.

Corruption in Iraq has played another significant role in the devastation of the Iraqi society and lives of its citizens. The mechanisms for and the practice of the culture of corruption were introduced by the US representative in Iraq, and have been improved and fully institutionalized by Maliki and his government. Iraq has been completely overtaken by this plague. It is now one of the most corrupt countries in the world. According to a statement byte (official) Iraqi Integrity Commission dated on 31 March 2014, the total of Iraqi funds which was smuggled out of Iraq since the invasion reached one trillion and fourteen million US dollar (in figures it is 1000.014.000000)[10]. This mass theft was accompanied and facilitated by protection and impunity. All 'persons' and 'entities' involved in the reconstruction of Iraq's economy were granted formal legal immunity by the American government, including with regards to the Development Fund for Iraq and "all Iraqi petroleum and petroleum products."[11]

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[6] In 2009 about 20% of internally displaced and 5% of refugee returnee reported children to be missing. Many communities reported missing family members (30% of IDPs, 30% of IDP returnees, 27% of refugee returnees) indicating that they were missing because of kidnappings, abductions and detentions and that they do not know what happened to their missing family members. http://www.uniraq.org/documents/UNHCR%20Iraq%20Protection%20Monitoring%20%20Jan-Oct%202009.pdf

[7] Compare: Restoring Names to War's Unknown Casualties
http://www.nytimes.com/2010/08/31/world/middleeast/31legacy.html?_r=2&hp

[8] A member of the current Iraqi parliament estimated the number of these prisons to be more than 420
http://www.brusselstribunal.org/pdf/NGOs_FULL_REPORT_UPR.pdf
Compare also: Secret Jail uncovered in Baghdad, *the guardian*, Feb. 2011, source, Human Rights Watch
http://www.hrw.org/news/2011/02/01/iraq-secret-jail-uncovered-baghdad

[9] Human Rights Watch (2003) athttp://www.hrw.org/reports/2003/07/15/climate-fear-0

10 According to the statement, Mr. Mohammed Ali, Director General of the Department to recover the funds in the Integrity Commission, for "Alsumaria News" http://www.alsumaria.tv/news/96644/%D8%A7%D9%84% %D8%AC/ar

11 George W. Bush, Executive Order 13303 of May 22, 2013, Protecting the Development Fun for Iraq and Certain Other Property in Which Iraq Has an Interest, Federal Register Vol. 68, No. 102 at: http://www.treasury.gov/resource-center/sanctions/Documents/13303.pdf

Also the environment fell victim to the catastrophic war and occupation and the use of unlawful weapons. In a serious breach of the international law, the coalition forces used thousands of tons of white phosphorous[12] and depleted uranium ammunition during the war, which contain high levels of radiation and toxics that have dangerous and enduring health-related effects. The dark consequences of this grave disregard for the law and human life have been materializing at a rapid rate over the past few years in the form of horrific physical deformities and illnesses, yet remain largely ignored by the international community. Calculations indicate that the inhalation of depleted uranium dust from the weapons used in Iraq may cause an additional 3 million deaths, which is approximately 11% of the country's total population of 27 million.[13]

An upsetting number of birth defects ranging from congenital heart defects to brain dysfunctions and malformed limbs have been reported. There is also a huge number of miscarriages and cancer cases. According to gynecologists, pediatricians and neurologists in Fallujah the numbers of these cases have been increasing rapidly since 2005.[14]More disturbingly, they appear to be occurring at an increasing rate in children born in Fallujah. Similar defects have been found among children born in Basra after British troops invaded, according to the new research.[15]

Iraq eleven years after the invasion

The continuous deterioration of justice, police and security system and the immense corruption of the Iraqi government after the invasion have led to a total absence of security for the Iraqi people. Fear of rape and abduction keeps women in their homes, out of schools and away from work. About 8,868 people were killed in violence in 2013, Iraq's highest annual death toll in five years. The sectarian policy pursued by the Iraqi government includes alarmingly increasing number of target killings of opposition and records level of execution rates. Peaceful protests face massive arbitrary arrests and manslaughter, protesters camps fall under serious military attack.

The situation found a new peak in the escalation of the violence in the province of al-Anbar beginning at the turn of the year 2013/ 2014. According to UN figures the total number of displaced families stand at 72,325. The UN representative in Iraq is near silent, the varying Ambassadors in Iraq however are silent, including those of the US and UK, whose actions and lies about fictional "weapons of mass destruction" are responsible for the ongoing, daily carnage. Deaths in Anbar Province are now being excluded from Iraq government statistics.[16] According to the hospital in Fallujah the total civilian casualties since the beginning of war against Anbar Province so far, are 1,296 wounded and 295 killed, however normal services such as clean water, constant electricity are non-existent. Given the power interruptions and tense situation, the full numbers are incomplete.

Conclusion

The US led invasion and occupation of Iraq in 2003 was unquestionably an act of aggression for which no justification of self-defense existed. The prohibition of use of force and against acts of aggression is at the core of the UN Charter and is also reaffirmed in article 5 of the Rome statute of the ICC.

12 The US has admitted that it used phosphorous bombs in Iraq, although it denies that it was used against civilians at http://www.thetimes.co.uk/tto/news/world/middleeast/iraq/article1993511.ece

13 Depleted Uranium –Far Worse Than 9/11", Doug Westerman, Global Research, 3 May 2006 at: http://www.globalresearch.ca/depleted-uranium-far-worse-than-9-11/2374

14 "Humanitarian Disaster In Fallujah: Unprecedented Numbers of Birth Defects, Miscarriages and Cancer Cases" at:http://www.globalresearch.ca/humanitarian-disaster-in-fallujah-unprecedented-numbers-of-birth-defects-miscarriages-and-cancer-cases/18646

15 Iraq records huge rise in birth defect", The Independent at: http://www.independent.co.uk/life-style/health-and-families/health-news/iraq-records-huge-rise-in-birth-defects-8210444.html

16 http://www.globalresearch.ca/iraq-sixty-nine-days-in-fallujah-general-hospital-emergency-department/5380996

Serious crimes that attract the application of universal jurisdiction are captured within the principle of *jus cogens* from which there can be no derogation by any State. Impunity cannot be allowed to thrive at the expense of respect for international law.

It is past time that the injustice inflicted on the Iraqi people will be addressed. The people of Iraq are entitled to a measure of satisfaction in the form of an official apology from all States that participated in the so-called "coalition of the willing". Compensation should include rebuilding the Iraqi infrastructure, government institutions, schools and private property that were bombed or damaged during war and under occupation, an environmental clean-up, undertaken and financed by the coalition of the willing, that is responsible for the use of depleted uranium and other toxic agents that are susceptible to the worrying increase of cancer and birth defects.

Those responsible for the invasion must further offer financial and political support to refugees. Missing and disappeared persons must be located. Torture, arbitrary arrests, forced disappearances, trafficking of persons, moral and physical harm and the use of illegal weapons must be ended. Human rights abuses inflicted on the Iraqi people are still present in the country and must be monitored. Violations committed during the war and invasion must be uncovered and prosecuted. All countries, including the US should ratify the statue of the International Criminal Court and serious cases must be referred to the Court for investigation and prosecution. A United Nations Compensation Commission for the Iraqi victims should be established, and finally an UN Special Rapporteur for Iraq be appointed.

The NGOs signatories to this statement call on the United Nations in general and the Human Rights Council in particular to:

- Ensure that all human rights violations in Iraq during the sanction and the invasion and occupation be investigated by an international independent body.

- Undertake all measures possible to end the current state of impunity within Iraq and with regard to the culpability and responsibilities of the occupying powers.

- Appoint a UN Special Rapporteur for the Human Rights situation in Iraq.

- Request the High Commissioner to present to the Council a detailed report on the Human Rights violations in Iraq since 2003.

** Geneva International Centre for Justice (GICJ), BRussels Tribunal, Arab Lawyers Association- UK, Association of Humanitarian Lawyers (AHL), The International League of Iraqi Academics (ILIA), The Iraqi Commission on Human Rights (ICHR), Women Will Association (WWA), Organization for Widows and Orphans (OWO), Ikraam Center for Human Rights, Belgian Peace Movement, Ligue camerounaise des droits de l'homme, Monitoring Net of Human Rights in Iraq (MHRI), Women Solidarity for an Independent and Unified Iraq, Alliance to Renew Co-operation among Humankind, International Coalition against War Criminals (ICAWC), Medical Aid for the Third World, Association of Iraqi Diplomats (AID), The African Association of Human Rights (AAHR), Protection of Human Rights Defenders in the Arab World, Moroccan Association for the Right to a Fair Trial, Americans Against the War (France), General Federation of Iraqi Women (GFIW), The International Action Center (IAC), American Worker, Association of Iraqi Intellectuals and Academics, The International Network of Arab Human Rights NGOs, America In Solidarity, Federacion De Mujeres Cubanas, Association of Victims of American Occupation Prisons, International Anti-Occupation Network (IAON), International Lawyers.org, International Society of Iraqi Scientists, The Perdana Global Peace Foundation, Kuala Lumpur Foundation to Criminalise War, Spanish Campaign against the Occupation and for Iraq Sovereignty- CEOSI, Arab Cause Solidarity Committee, Iraq Solidarity Association in Stockholm, El Taller International, World Courts of Women, Center for Development Studies- India, Warscrime.org, Action Center for Justice, 1% A Peace Army.org, A Bigger Tent.org,

Agir contre la guerre (France), American Voices Abroad (Berlin, Germany), American Voices Abroad Military Project (Europe), Anti War Fair, Arizona Christian Peacemakers, Armbands for Peace, Arms Against War, Artists Against the War, Backbone Campaign, Be the Change, Become Active, Bike for Peace (Germany), Bill of Rights Defense Committee, Bird Dogger Org., Children of Iraq Association (UK),Bloomington Peace Action Coalition (IN), Blue State News Only, Boston Mobilization, Bring Democracy Back, Bring Them Home,Butterfly Gardeners Association, Citizens for Accountability on Iraq, California for Democracy, Camp Casey Blog, Camp U.S. Strike for Peace Campaign, Campaign Against Sanctions and Military Intervention in the Islamic Republic of Iran, Canada Watch, Carolina Peace Resource Center (SC), Cartoon Free America, Catalysts of Hope, Central Colorado Coalition on the Iraq War, Chester County Peace Movement (PA), Cindy Sheehan Org., Cities for Peace, Citizens for Legitimate Government, Citizens for Peace & Justice, Human Rights for all-Morocco, Christian Clergy For Impeachment.com, Clothing of the American Mind, Coalition Against Election Fraud, Coalition for Impeachment Now (COIN), Code Pink, the Iraqi Association for Human Rights (IAHR), Al-Basa'er Media Association, Consumers for Peace.org, Dhafir Trial.org, DC Anti-War Network.org, Democracy Action, Democracy for America Meetup (Birmingham, AL), Olympia Citizens' Movement to Impeach Bush/Cheney (WA), One Million Reasons, Operation Cease Fire, Operation Impeachment, Orange County Grassroots (CA), Out of Iraq, Out of Iraq Bloggers Caucus, Patrick Henry Democratic Club, Patriotic Pulse, Patriots for Gore, Peace Action, Peace Action Wisconsin, Peace and Accountability, Peace Drum, Peace Majority, Peace Movement Aotearoa (New Zealand), Peace Reso.org, Peninsula Peace and Justice Center (Palo Alto, CA), People's Campaign for the Constitution, People Powered Impeachment, People's Email Network, People's Glorious Five Year Plan, Picnic to Impeach, Pixel4Peace.org, Playing in Traffic, PledgeToImpeach.org, Political Cooperative, Politics and Art, Progressive Action Alliance, Progressive Action Center, Progressive Avenues, Progressive Democrats of America, Progressive Democrats of Hawaii Project Filibuster, Project for the OLD American Century, Refusing to Kill.org, Rescue Our Democracy, Sacramento for Democracy (CA), St Pete for Peace (FL), Sampsonia Way, San Diego for Democracy, School of the Americas Watch, Sheehan for Congress, South Florida Impeachment Coalition, South Mountain Peace Action (Maplewood & South Orange, NJ), Springs Action Alliance (CO), Stop the War Coalition (UK), Students for Impeachment, Students Towards a New Direction (STAND), Summit County Progressive Democrats (OH), The Known UnKnowns, The Politically Incorrect Cabaret, The Rational Response Squad, Think Blue Dems, Time for Accountability, Toronto Coalition to Stop the War (Canada), Torture Abolition and Survivors Support Coalition International, True Blue Liberal.org, Trumansburg Impeachment (NY), Truth Empowered, Truthtelling Project, UC Nuclear, Underground Action Alliance, Unitarian Universalist Peace and Justice Group (Nantucket, MA), United Blue USA, United for Veterans (Wayne, MI), United Progressives, Upbeat Defiance, US Peace Memorial, US Tour of Duty: Iraq Veterans and Military Families Demand the Truth, Velvet Revolution, Vet Gulf March, Veteran Intelligence Professionals for Sanity, Veterans for Peace, Chapter 27, Virginia Grassroots Coalition, Voters for Peace, We the People for Peace, We the People Network, We the People Now, We The People United Bangladesh.org, Peace Surge, Peace and Justice Action League of Spokane (WA), Stop the War (UK), U.S. Peace Council, World Can't Wait.org, World Prout Assembly, Komite Internazionalista-Basque, Asociación Paz, Igualdad y Solidaridad Internacional, Arab Cause Solidarity Committee, Iraq Solidarity Association in Stockholm, Málaga, Spain, Stop Fascism Action Network, The Asian Jurists Centre, Association of Human Rights Defenders in Iraq (AHRDI), The African Center for Human Rights (ACHR), Veterans for Peace, Your Declaration of Independence.org , Arab Lawyers Network-UK, Conservative Centre of Environmental & Reserves in Fallujah (CCERF), Willie Nelson Peace Research Institute, Studies Centre for Human Rights and Democracy, The Iraqi Centre for Human Rights, Association internationale des droits de l'homme, NGO(s) without consultative status, also share the views expressed in this statement. NGO(s) without consultative status, also share the views expressed in this statement.

United Nations A/HRC/26/NGO/106

General Assembly

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Human Rights Council
Twenty-sixth session
Agenda item 7
Human rights situation in Palestine and other occupied Arab territories

Joint written statement* submitted by the International Youth and Student Movement for the United Nations, a non-governmental organization in general consultative status, the Union of Arab Jurists, Arab Organization for Human Rights, General Arab Women Federation, Indian Movement "Tupaj Amaru", International Volunteerism Organization for Women, Education and Development - VIDES, Nord-Sud XXI - North-South XXI, Organisation Mondiale des associations pour l'éducation prénatale, Organisation pour la Communication en Afrique et de Promotion de la Cooperation Economique Internationale - OCAPROCE Internationale, United Towns Agency for North-South Cooperation, Women's International League for Peace and Freedom, non-governmental organizations in special consultative status, Indian Council of South America (CISA), International Educational Development, Inc., International Human Rights Association of American Minorities (IHRAAM), World Peace Council, non-governmental organizations on the roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[28 May 2014]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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1404495

Please recycle

Observance by the Human Rights Council of the International Year of Solidarity with the Palestinian people **

Addressing continuing grave breaches of international law by the occupying power*

This written statement is submitted to the Human Rights Council with the intention to assist the Council in intensifying its work in support of Palestinian Rights and strengthen the engagement by Member States under Item 7 of the Councils agenda during the remaining months of the International Year of Solidarity with the Palestinian people.

In November 2013 the UN General Assembly designated 2014 as the International Year of Solidarity with the Palestinian people. The aim was to promote solidarity, contribute to international awareness of core themes of the question of Palestine.

Resolution 68/12[1] by which the year of solidarity with the Palestinian people was adopted came after years of futile diplomacy and disregarded UN declarations, resolutions and recommendations that failed to end Israel's illegal military occupation and war crimes. Until this day Israel continues to violate international law with impunity, notably the fourth Geneva conventions, which hold that occupation is only a temporary situation[2], that the occupant does not acquire sovereignty over the territory and that re-establishing the full and free exercise of sovereignty will normally end the state of occupation.

Contrary to these requirements the prolonged occupation of Palestine goes with annexationist, colonialist and ethnic-cleansing goals, especially in relation to the West Bank, including East Jerusalem. Its hallmark is the determined pursuit of settlement construction and expansion in the West Bank, including East Jerusalem.[3] The absence of morality and the cynical, calculating nature of Israel's ethnic cleansing and creeping land-grab involves a wide range of human rights violations, including the persistent denial of the right to self-determination to the Palestinian people.

Israel's colonization of Palestinian land is not only a grave violation of international law, but seems conceived specifically to humiliate the Palestinian people. Palestinians are daily confronted with road-blocks in their own land, heavy restrictions on movement, including impeded access to education, emergency health services and water supply, accompanied by daily harassment and violence by settlers and property taken from them at will and with impunity. The ongoing attrition of enforced evictions in which Palestinian families are ordered to leave their homes in sudden, early-morning raids to make way for Israeli settlers are part of it.

Despite the authority of international law and the resolutions of the United Nations, the situation is essentially frozen and even deteriorating. Palestinians are increasingly frustrated by the lack of action from the international community against the persistent non-compliance of the occupying power with international law and in particular Israel's creeping annexation of Palestinian land through colonial settlement expansion.

Settlements

The 1949 fourth Geneva Convention govern the treatment of civilians during wartime in territory under military occupation. The convention outlaws torture, collective punishment and the resettlement by an occupying power of its own civilians on territory under its military control. Transfers of the civilian population of the occupying power into the occupied territory, regardless whether forcible or voluntary are hence prohibited. Israel rejects that the convention applies to its settlements in the occupied Palestinian territories (oPt), yet a 1999 resolution passed by the States parties to the Fourth Geneva Convention unanimously found that the Fourth Geneva Conventions do apply to these settlements.

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* This report prepared by Geneva International Centre for Justice (GICJ)

1 http://unispal.un.org/unispal.nsf/9a798adbf322aff38525617b006d88d7/1860b97af34a2b2e85257c6100582b4c?OpenDocument

2 http://www.icrc.org/eng/resources/documents/misc/634kfc.htm

3 Compare report A/HRC/25/67, Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Richard Falk

The ongoing expansion of settlements in the oPt therefore is a war crime that falls into the provision of Article 8 of the International Criminal Court statutes. Yet, despite abundant condemnation the international community has so far effectively failed to hold Israel accountable and enforce compliance with basic principles of law. Israel's crimes have continued with impunity. While blinding the world with an alleged readiness to make "painful compromises," the occupying power expanded settlements in an unprecedented haste, obviously playing for time in order to annex a maximum of Palestinian land in a minimum of time.

Although article 53 of the fourth Geneva Convention holds that destruction by the Occupying Power of real or personal property is prohibited, demolitions across Area C and East Jerusalem accelerated throughout the time of peace talks, with a 43 percent rise in demolitions and a 74 percent rise in displacement compared to the same period in 2012[4]. During the 9 months of negotiations thus a total of 567 Palestinian homes were demolished and Israeli occupation forces confiscated more than 14,000 acres of lands owned by Palestinian citizens, only to register them with names of Jewish Settlement companies.[5]

Meanwhile international and local aid organizations faced increasingly severe restrictions in responding to the needs created by the unlawful demolition, in a further violation of article 49 of the fourth Geneva Convention, stating that the Occupying Power undertaking transfers or evacuations shall ensure, to the greatest practicable extent that proper accommodation is provided to receive the protected persons.

During the same period, the Israeli Government promoted plans and tenders for at least 13,851 housing units in the settlements and East Jerusalem – an average of 50 units per day and 1,540 units per month. These units include tenders for 4,868 units – 2,248 of them in West Bank settlements and 2,620 units in East Jerusalem.[6] The blueprints and structures for Israeli settlements, and tenders for the construction of about 13851 housing units, thus were about four times higher than what had been announced before the negotiations.[7]

The separation barrier

Another serious feature of Israel's creeping land annexation at the expense of Palestinians is the ongoing construction of the separation barrier, far beyond the Green Line. On 9 July 2004 the International Court of Justice held that Israel's building of a wall in the Occupied Palestinian Territory is illegal and must stop immediately[8], noting that combined with the Israeli settlements, the barrier alters the demographic composition of the occupied Palestinian territory and impedes the Palestinians' right to self-determination. Israel should make reparations for any damage caused by its erection, the judges ruled, stop construction immediately and dismantle the sections of the barrier that have already been built.

The refusal of Israel to implement this assessment of international law by the highest judicial body of the United Nations is cause for serious concern. Ten years later the construction continues and Israel maintains on its website a map of 30 April 2006 showing its revised route. [9] The full route is 422 miles of zigzagging curves and loops, making it more than twice as long as the 199-mile-long Green Line.[10] The evolution of this structure and its impact on the lives of those it is designed to keep out of Israel, have been widely described. Thousands of Palestinians have difficulty reaching their fields and the damage to the agricultural sector means that Palestinian farmers cannot get supplementary

4 Settlement Watch, Peace Now, 29/4/14,
http://peacenow.org.il/eng/sites/default/files/9%20months%20settlements%20summary%20280414.pdf

5 Middle East Monitor, https://www.middleeastmonitor.com/news/middle-east/11529-israel-demolished-567-homes-during-last-round-of-negotiations

6 Settlement Watch, Peace Now, 29/4/14,
http://peacenow.org.il/eng/sites/default/files/9%20months%20settlements%20summary%20280414.pdf

7 Middle East Monitor, https://www.middleeastmonitor.com/news/middle-east/11529-israel-demolished-567-homes-during-last-round-of-negotiations

8 UN News Centre: International Court of Justice finds Israeli barrier in Palestinian territory is illegal
http://www.un.org/apps/news/story.asp?NewsID=11292&#.U3s3Efl_t8F

9 Compare Report A/HRC/25/67, Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Richard Falk

10 http://america.aljazeera.com/articles/2014/3/12/visual-activism-activestillsphotographsthebarrierwall.html

income and makes it impossible to increase the number of workers in what is the primary sector of Palestinian economy.[11]

Economy

The Palestinian economy would expand by more than a third if Israeli restrictions on movement, land access and water use are lifted in the majority of the occupied West Bank that remains under full Israeli control, a report issued by the World Bank in 2013 held. "More than half the land in the West Bank, much of it agriculture and resource rich is inaccessible to the Palestinians," the r ort said. "Without the ability to conduct purposeful economic activity in area C, the economic space of the West Bank will remain crowded and stunted, inhabited by people whose daily interactions with the state of Israel are characterized by inconvenience, expense and frustration."[12]

At the end of 2012, sixty Palestinian communities were still compelled to use detours that are 2 to 5 times longer than the direct route to the closest city. "The total potential value added for alleviating today's restrictions on the access to and activity and production in area C is likely to amount to $3.4bn or thirty five per cent of Palestinian GDP in 2011," the report said. It estimated that Palestinian unemployment would shrink by more than a third if the strictures were eased and that the need for foreign donor support would be reduced."[13]

Arbitrary detention

Expansion of settlements, demolitions, the separation barrier and economic restrictions are no isolated events. Their commission mirrors systematic and discriminatory Israeli policies, laws and practices, affecting Palestinian human rights on all levels, including children.

Israel continues use arbitrary detention of Palestinian civilians for up to 6 months without trial and the detention orders. These detentions can be extended indefinitely for additional 6-month periods. In practice, however, many have been detained for much longer periods, some up to or over 7 years.[14] As of March 1st 2014, 5,224 Palestinians were detained by Israel, including 210 under the age of 18, and 183 held under Israeli administrative detention orders, without charge or trial. The conviction rate for Palestinians in Israeli military courts was 99.74 percent in 2010.[15]

The situation is extremely severe when it comes to number of Palestinian children held in detention. Against international regulations the number of Palestinian children held in solitary confinement and subjected to harsh interrogation and general mistreatment in Israeli prisons was increasing by 2 percent in 2013, compared to the previous year. The average number of Palestinian children in Israeli military detention at the end of each month during 2013 was 199. Over 76.5 percent of Palestinian children detained in Israeli prisons experienced some form of physical violence and 98 percent were not informed of the reason for the arrest.

Unlike Israeli children living in illegal settlements in the occupied West Bank, Palestinian children are not accompanied by a parent and are interrogated without the benefit of legal advice, or being properly informed of their right to silence.[16] After sentencing, around 50 to 60 percent of Palestinian child detainees are transferred from occupied territory to prisons inside Israel in another violation of the Fourth Geneva Convention. The practical consequence of this is that many of them receive either limited or no family visits due to freedom of movement restrictions.

Conclusion

The international community is obliged by international law and United Nations resolutions to hold Israel accountable and not to condone Israeli violations anymore. Israel's overt and furtive annexation of Palestine is also the annexation of Palestinian dignity, rights and freedoms. However, it is not only the people of Palestine who are injured; all are the losers when international law is cynically and deliberately abused and neglected.

However during 2013 and during 2014, the year when the international community as a whole was expected to intensify its work for Palestinian rights, the credibility and effectiveness of the Human Rights Council has been undermined by the boycott of Item 7 on the adopted agenda of the Council by regional and political groups of states as a result of agreements with the occupying power.

In view of this disturbing development we call on the Human Rights Council and all UN Member States:

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11 http://www.btselem.org/separation_barrier/map

12 http://www.independent.co.uk/news/world/middle-east/israel-stifles-palestinian-growth-says-world-bank-8867325.html

13 http://www.independent.co.uk/news/world/middle-east/israel-stifles-palestinian-growth-says-world-bank-8867325.html

14http://www.un.int/wcm/content/site/palestine/cache/offonce/pid/11609;jsessionid=099EECCE67262BDAE3649318C1A41625

15 http://webapps.aljazeera.net/aje/custom/2014/prisonerday/index.html

16 http://www.dci-palestine.org/sites/default/files/report_doc_solitary_confinement_report_2013_final_29apr2014.pdf

1. To use the International Year of Solidarity with the Palestinian People as an opportunity to strengthen HRC work on Palestine and not reduce it by undermining Item7 of the HRC agenda.
2. To take appropriate actions to urge all regional and political groups to participate under Item 7 and all states that are not represented by regional and political groups to speak under Item 7 at the 26th session of the Council.
3. To encourage the HRC President and High Commissioner to undertake a high level effort to bring all regional groups back to Item 7.
4. To work for the Council to adopt a resolution in support of the International Year of Solidarity with the Palestinian People and decide to hold a panel discussion on Palestinian Rights and observance of the International Year of Solidarity with the Palestinian People during the 27th session of the HRC, including with the new special rapporteur.

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* Geneva International Centre for Justice (GICJ), BRussels Tribunal, Arab Lawyers Association- UK, Association of Humanitarian Lawyers (AHL), The International League of Iraqi Academics (ILIA), The Iraqi Commission on Human Rights (ICHR), Women Will Association (WWA), Organization for Widows and Orphans (OWO), Ikraam Center for Human Rights, Belgian Peace Movement, Ligue camerounaise des droits de l'homme, Monitoring Net of Human Rights in Iraq (MHRI), Women Solidarity for an Independent and Unified Iraq, Alliance to Renew Co-operation among Humankind, International Coalition against War Criminals (ICAWC), Medical Aid for the Third World, Association of Iraqi Diplomats (AID), The African Association of Human Rights (AAHR), Protection of Human Rights Defenders in the Arab World, Moroccan Association for the Right to a Fair Trial, Americans Against the War (France), General Federation of Iraqi Women (GFIW), The International Action Center (IAC), American Worker, Association of Iraqi Intellectuals and Academics, The International Network of Arab Human Rights NGOs, America In Solidarity, Federacion De Mujeres Cubanas, Association of Victims of American Occupation Prisons, International Anti-Occupation Network (IAON), International Lawyers.org, International Society of Iraqi Scientists, The Perdana Global Peace Foundation, Kuala Lumpur Foundation to Criminalise War, Spanish Campaign against the Occupation and for Iraq Sovereignty- CEOSI, Arab Cause Solidarity Committee, Iraq Solidarity Association in Stockholm, El Taller International, World Courts of Women, Center for Development Studies- India, Wariscrime.org, Action Center for Justice, 1% A Peace Army.org, A Bigger Tent.org, Agir contre la guerre (France), American Voices Abroad (Berlin, Germany), American Voices Abroad Military Project (Europe), Anti War Fair, Arizona Christian Peacemakers, Armbands for Peace, Arms Against War, Artists Against the War, Backbone Campaign, Be the Change, Become Active, Bike for Peace (Germany), Bill of Rights Defense Committee, Bird Dogger Org., Children of Iraq Association (UK),Bloomington Peace Action Coalition (IN), Blue State News Only, Boston Mobilization, Bring Democracy Back, Bring Them Home,Butterfly Gardeners Association, Citizens for Accountability on Iraq, California for Democracy, Camp Casey Blog, Camp U.S. Strike for Peace Campaign, Campaign Against Sanctions and Military Intervention in the Islamic Republic of Iran, Canada Watch, Carolina Peace Resource Center (SC), Cartoon Free America, Catalysts of Hope, Central Colorado Coalition on the Iraq War, Chester County Peace Movement (PA), Cindy Sheehan Org., Cities for Peace, Citizens for Legitimate Government, Citizens for Peace & Justice, Human Rights for all-Morocco, Christian Clergy For Impeachment.com, Clothing of the American Mind, Coalition Against Election Fraud, Coalition for Impeachment Now (COIN), Code Pink, the Iraqi Association for Human Rights (IAHR), Al-Basa'er Media Association, Consumers for Peace.org, Dhafir Trial.org, DC Anti-War Network.org, Democracy Action, Democracy for America Meetup (Birmingham, AL), Olympia Citizens' Movement to Impeach Bush/Cheney (WA), One Million Reasons, Operation Cease Fire, Operation Impeachment, Orange County Grassroots (CA), Out of Iraq, Out of Iraq Bloggers Caucus, Patrick Henry Democratic Club, Patriotic Pulse, Patriots for Gore, Peace Action, Peace Action Wisconsin, Peace and Accountability, Peace Drum, Peace Majority, Peace Movement Aotearoa (New Zealand), Peace Reso.org, Peninsula Peace and Justice Center (Palo Alto, CA), People's Campaign for the Constitution, People Powered Impeachment, People's Email Network, People's Glorious Five Year Plan, Picnic to Impeach, Pixel4Peace.org, Playing in Traffic, PledgeToImpeach.org, Political Cooperative, Politics and Art, Progressive Action Alliance, Progressive Action Center, Progressive Avenues, Progressive Democrats of America, Progressive Democrats of Hawaii Project Filibuster, Project for the OLD American Century, Refusing to Kill.org, Rescue Our Democracy, Sacramento for Democracy (CA), St Pete for Peace (FL), Sampsonia Way,

San Diego for Democracy, School of the Americas Watch, Sheehan for Congress, South Florida Impeachment Coalition, South Mountain Peace Action (Maplewood & South Orange, NJ), Springs Action Alliance (CO), Stop the War Coalition (UK), Students for Impeachment, Students Towards a New Direction (STAND), Summit County Progressive Democrats (OH), The Known UnKnowns, The Politically Incorrect Cabaret, The Rational Response Squad, Think Blue Dems, Time for Accountability, Toronto Coalition to Stop the War (Canada), Torture Abolition and Survivors Support Coalition International, True Blue Liberal.org, Trumansburg Impeachment (NY), Truth Empowered, Truthtelling Project, UC Nuclear, Underground Action Alliance, Unitarian Universalist Peace and Justice Group (Nantucket, MA), United Blue USA, United for Veterans (Wayne, MI), United Progressives, Upbeat Defiance, US Peace Memorial, US Tour of Duty: Iraq Veterans and Military Families Demand the Truth, Velvet Revolution, Vet Gulf March, Veteran Intelligence Professionals for Sanity, Veterans for Peace, Chapter 27, Virginia Grassroots Coalition, Voters for Peace, We the People for Peace, We the People Network, We the People Now, We The People United Bangladesh.org, Peace Surge, Peace and Justice Action League of Spokane (WA), Stop the War (UK), U.S. Peace Council, World Can't Wait.org, World Prout Assembly, Komite Internazionalista-Basque, Asociación Paz, Igualdad y Solidaridad Internacional, Arab Cause Solidarity Committee, Iraq Solidarity Association in Stockholm, Málaga, Spain, Stop Fascism Action Network, The Asian Jurists Centre, Association of Human Rights Defenders in Iraq (AHRDI), The African Center for Human Rights (ACHR), Veterans for Peace, Your Declaration of Independence.org , Arab Lawyers Network-UK, Conservative Centre of Environmental & Reserves in Fallujah (CCERF), Willie Nelson Peace Research Institute, Studies Centre for Human Rights and Democracy, The Iraqi Centre for Human Rights, Association internationale des droits de l'homme NGO(s) without consultative status, also share the views expressed in this statement.

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Human Rights Council
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Agenda item 8
Follow-up and implementation of the Vienna Declaration and Programme of Action

Written statement* submitted by Amnesty International, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[30 May 2014]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Please recycle

Amnesty International supports calls for a prohibition on lethal autonomous weapons systems, including less-lethal robotic weapons, used in and out of armed conflict situations

Summary

Over the past decade, there have been extensive advances in artificial intelligence and other technologies that will make possible the development of autonomous weapons systems (AWS) which, once activated, can by themselves select, attack, kill and wound human targets without effective human control.[1] Such autonomous robotic weapons systems can be deliberately designed to kill and these have been referred to as "lethal autonomous robotics" (LARs) or Lethal Autonomous Weapons Systems (LAWS). Other robotic systems are being developed for "non-lethal" or more accurately "less lethal" weapons that nevertheless have potentially lethal effects.

These weapons systems could not only change the entire nature of warfare and law enforcement operations, they also raise extremely serious human rights concerns, posing a major threat to the right to life and security of the person, and also potentially undermining other fundamental human rights. In particular Amnesty International foresees that the use of AWS would result in unlawful killings and injuries both in situations of armed conflict, where international humanitarian law (IHL) and international human rights law IHRL) apply, and in law enforcement operations, where only international human rights law applies. Furthermore, their use would pose challenges to holding accountable those responsible for serious violations and could entrench impunity for crimes under international law. Consequently, Amnesty International supports the call for a prohibition on the development, transfer, deployment and use of AWS.

Amnesty International believes it is crucial that the applicability of IHRL, as well as IHL, be effectively addressed in any future discussions on AWS. Amnesty International urges all governments to develop and articulate a national policy on the multiple challenges posed by AWS including both lethal and "less lethal" autonomous robotic weapons that takes full account of their obligations to respect and ensure IHRL and, where applicable, IHL.

Autonomous Robotic Weapons: A threat to life and dignity

Although fully autonomous weapon systems have not yet been deployed in armed conflict situations, Amnesty International foresees that the use of "military" weapons without meaningful and effective human control in situations of armed conflict would not comply with IHL. This includes the requirement to distinguish adequately between combatants and civilians, to take necessary precautions to minimize harm to civilians and to evaluate the proportionality of an attack. Such "military" autonomous weapons systems could also be deployed outside armed conflict situations, as occurs with other weapon systems.

Alongside the development of robotic "military weapons", companies have also been developing robotic weapons, even if not yet fully autonomous, for law enforcement purposes.[2] These weapons are designed to fire or spray various projectiles and dangerous substances including grenades of toxic chemical irritants (tear gas), multiple rounds of rubber or plastic projectiles (bullets) and multiple electric shock stun darts. Such weapons can have lethal effects, as well as result in serious injuries, and they could be used to facilitate violations of the rights to freedom of expression and right to freedom of peaceful assembly, enshrined in Article 19 and Article 21 of the International Covenant on Civil and Political Rights (ICCPR), respectively.

Robotic weapons without meaningful and effective human control, whether described as "lethal" or have "less lethal" effects, cannot make decisions regarding the use of force compatible with international human rights law. Such law prohibits the arbitrary deprivation of life and requires states to use lethal force only where there is an imminent threat of death or serious injury. According to international standards governing the use of force, law enforcement officials are

[1] The terminology "autonomous weapons systems" (AWS) is intended to capture lethal and non-lethal systems.

[2] Law enforcement weapons supplied by companies in the USA, UK, Jordan, Israel, the UAE, Spain and South Africa have been advertised and such weapons are likely to be developed elsewhere.

required to "as far as possible, apply non-violent means before resorting to the use of force".[3] Under Article 3 of the UN Code for Law Enforcement Officials, police may use force "only when strictly necessary and to the extent required for the performance of their duty." Where the use of force is unavoidable, they must "Exercise restraint in such use and act in proportion to the seriousness of the offence and the legitimate objective to be achieved", minimize damage and injury and "Ensure that assistance and medical aid are rendered to any injured or affected persons at the earliest possible moment".[4] Firearms should only be used as a last resort "in self-defence or defence of others against the imminent threat of death or serious injury" or to prevent "a particularly serious crime involving grave threat to life" or "to arrest a person presenting such a danger."[5]

To meet these international standards regarding the use of force and to comply with the obligations of states under IHRL, and IHL, in rapidly changing circumstances, the use of dangerous weapons requires, amongst other things, the exercise of human judgement, empathy, and control by highly trained and fully accountable law enforcement, and military, officers. Decisions regarding the use of force in policing cannot and must not be delegated to machines. While robots may have certain technical capabilities that are superior to those of humans, unlike trained human personnel, robots cannot by themselves distinguish between legal or illegal orders, seriously undermining accountability for arbitrary, abusive and excessive uses of force.

Amnesty International is deeply concerned that the development, deployment and use of AWS in armed conflict and in non-armed conflict situations raises serious human rights concerns affecting all states, threatening the right to life, the prohibition of torture and other ill-treatment and the right to security of the person, and potentially undermining other human rights. AWS also raise important issues related to accountability for human rights violations and individual criminal responsibility. It is inconceivable that AWS without meaningful and effective human control would be able to comply with the provisions outlined above.

Consequently, Amnesty International supports the call for a prohibition on the development and use of AWS, including such weapons when they are "less lethal" but can result in death and serious injury. We urge all governments, even if they are not convinced of the need for a prohibition, to publicly support and implement the call by the UN Special Rapporteur on extrajudicial, summary or arbitrary executions to impose a moratorium on the development, transfer, deployment and use of fully automated weapons with lethal effects. Such a moratorium should also cover automated robotic weapons that are "less lethal", because they could easily cause injuries with fatal consequences.

Given the potentially grave consequences of such technology and states' existing obligations under IHRL and IHL, Amnesty International believes the onus should be on states that wish to develop and deploy AWS to first demonstrate beyond reasonable doubt that specific uses of each type of weapon can be fully lawful and, in particular, consistent with IHRL and IHL in operational circumstances.

Recommendations

In light of the human rights concerns associated with the development, deployment and use of AWS outlined above, Amnesty International urges all states to:

- Ensure that states' obligations under IHRL – as well IHL – are effectively and actively addressed as soon as possible by relevant UN and other fora and mechanisms. This includes continuing consideration with in the CCW;
- Publicly support and implement the call by the UN Special Rapporteur on extrajudicial, summary or arbitrary executions to impose a moratorium on the development, transfer, deployment and use of fully autonomous weapons with lethal effects[6] and ensure that moratorium covers automated weapons that are "less lethal" but

[3] Principle 4 of the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (UN Basic Principles), adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990.
[4] UN Basic Principles, Principle 5.
[5] UN Basic Principles, Principle 10.
[6] Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Christof Heyns: http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session23/A-HRC-23-47_en.pdf

potentially lethal (i.e. where the foreseeable injuries caused could easily be fatal);

- Develop and articulate a national policy on the multiple challenges posed by AWS including both "lethal" and "less lethal" autonomous robotic weapons that takes full account of their existing obligations under both the IHL and IHRL;
- Support a renewed CCW mandate in November 2014 that creates a formal Group of Governmental Experts, which dedicates more time to the topic in 2015, and expands the work with a view to future negotiations.

United Nations A/HRC/26/NGO/108

General Assembly

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Human Rights Council
Twenty-sixth session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Joint written statement* submitted by the Union of Arab Jurists, Arab Organization for Human Rights, General Arab Women Federation, Indian Movement "Tupaj Amaru", International Volunteerism Organization for Women, Education and Development - VIDES, Nord-Sud XXI - North-South XXI, Organisation Mondiale des associations pour l'éducation prénatale, Organisation pour la Communication en Afrique et de Promotion de la Cooperation Economique Internationale - OCAPROCE Internationale, United Towns Agency for North-South Cooperation, Women's International League for Peace and Freedom, non-governmental organizations in special consultative status, Indian Council of South America (CISA), International Educational Development, Inc., International Human Rights Association of American Minorities (IHRAAM), World Peace Council, non-governmental organizations on the roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[02 June 2014]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Annual Full-Day Discussion on Women's Rights Women's Rights in Iraq* (**)

Women in Iraq had previous to the occupation made important advances compared to most countries in the region. Earlier laws ensured education for girls, family rights, and the right to serve in the government. However, present-day Iraq is plagued by insecurity, transforming the situation for women into a national crisis.

Displaced women and war widows

The government of Iraq did not undertake any effective measure to address the issues of around 5 million Iraqis displaced inside Iraq since 2003, out of which about 83 percent are women and children. They face strong social stigmas, discriminated and forced to live in inhumanely poor conditions. About 33% of displaced widowed women have not received any humanitarian assistance; 76% of widows do not receive a pension and sometimes are forced to go into temporary marriage with one of the bureaucrats who distribute the funds.[1]

Women in Iraqi prisons and detention facilities

Despite the annual report of the Iraqi Ministry of Human Rights on the situation of prisons and detention centres in Iraq indicating the cases of torture and exposure to threats and rape of women,[2] nothing has been done by the Iraqi government to protect women's right. Sexual abuse as a method of torture against female prisoners is not confined to the notorious Abu Ghraib prison. Women are repeatedly subject to rape and sexual assault also in Iraqi detention centres. Former detainees reported that their clothing was removed and they were deprived of food and water for days.

According to our information from the ground, women were arrested by the security forces without showing an arrest warrant, then detained and interrogated about male family members without accusing those women of any crime, and demanding bribes for their release. The majority of women are used as a pressuring tool for their husbands, fathers, brothers or sons. Our findings indicate that many of these women described being beaten, kicked, slapped, hung upside-down and beaten on their feet, given electric shocks, and raped or threatened with sexual assault by security forces during interrogations. Security forces questioned them about their male relatives' activities rather than their own accused crimes, if any, and furthermore forced them to sign statements which they were not allowed to read.

The Iraqi criminal justice system tortures women into confessions, using horrendous measures including rape in front of their relatives and children. When finally charged and sentenced, the women are additionally abused, tortured and raped inside the detention facilities. The main issue at hand here is the huge failure by the courts to investigate allegations of abuse and hold the abusers responsible and accountable which encourages police and security forces to falsify confessions and continue the use torture and sexual assault.

Education

Throughout the past four years, the number of girls receiving primary education in Iraq has declined and the current government did not undertake necessary actions to improve the situation. Girls account for around 44.8% of students. This means that for every 100 boys enrolled in primary schools in Iraq, there are fewer than 89 girls. In most rural areas

* - This report prepared by Geneva International Centre for Justice (GICJ)

[1] Dr.YasmineJawad (2013) at http://www.gicj.org/iraq_conference_speeches/Dr_Yasmin_Jawad_Presentation.pdf

[2] Iraqi Ministry of Human Rights (2012) in Arabic available at:
http://www.humanrights.gov.iq/uploads/ali%20pdf/final2012.pdf

of southern governorates with traditional attitudes fewer than half of girls are attending school. There are no regions in Iraq where the number of girls completing primary education is in any way acceptable. Some 75% of girls who start school have dropped out during, or at the end of, primary school and do not continue intermediate education. Unfortunately, the state of Iraq did not develop any strategy or action plan during 2010-2014 to address this social stigma, encourage and facilitation the education of girls. Poor attendance is typically attributed to security situation within Iraq which undoubtedly is a significant contributor to these figures. However, there are many ways the government could address this rapid decrease in numbers of girls attending school.

Political participation

Article 47 of the current Iraqi Constitution, which was applauded by women organizations and international community as one of the great achievements of the "New Iraq" for guaranteeing women 25% of the membership of the Council of Representatives, is not an indicator of ensuring women's participation in political life. This appraise is made disregarding the actual small difference it makes for Iraqi women in general and how it has been used as a sheer token to cover up the volume of crimes committed against women under occupation. Most female members of the parliament have shown little interest in women's rights but rather focus on representing their sectarian party's policies towards women. In essence, they duplicate whatever their fellow male MPs already advocate. The irony is that even this nominal step was neglected by the present government formed in 2010 and nothing was done to continue positive achievements.

Alarming rates of birth defects, cancer and infant mortality

Iraq is suffering from a high toxic level of lead, mercury contamination and depleted uranium pollution in many regions. Several studies show a high level of contamination by other toxic substances including Uranium lead and mercury.[3] An upsetting number of birth defects ranging from congenital heart defects to brain dysfunctions and malformed limbs are reported. There is also a huge number of miscarriages and cancer cases. According to gynaecologists, paediatricians and neurologists in Fallujah the numbers of these cases have been increasing rapidly since 2005. More disturbingly, they appear to be occurring at an increasing rate in children born in Fallujah. Similar defects have been found among children born in Basra. It seems that the government of Iraq is simply neglecting these developments as has no interest in it. It is the state obligation to ensure that the right of its citizens to health is protected and necessary conditions are created for that[4].

Cancer

In Fallujah, a dramatic increase of cancer and paediatric cancer rate is reported.[5] Studies indicate the variation of the incidence rate of cancer in the different areas of Fallujah region. The range of incidence rate is from 50-128 cases per 100,000, which is a fourfold increase of the cancer rate in the year of 2010 since 2004. [6] Forms of cancer are similar to

[3] Al-Sabbak, M., Sadik Ali, S., Savabi, O., Savabi, G., Dastgiri, S., &Savabieasfahani, M. (2012). Metal contamination and the epidemic of congenital birth defects in Iraqi cities. Bulletin of environmental contamination and toxicology, 89(5), 937–44. Alaani, S., Tafash, M., Busby, C., Hamdan, M., &Blaurock-Busch, E. (2011). Uranium and other contaminants in hair from the parents of children with congenital anomalies in Fallujah, Iraq. Conflict and health, 5, 15. Alaani, S., Tafash, M., Busby, C., Hamdan, M., &Blaurock-Busch, E. (2011). Uranium and other contaminants in hair from the parents of children with congenital anomalies in Fallujah, Iraq. Conflict and health, 5, 15.

[4] A study published in 2013 finds a rate of congenital anomalies at birth in Fallujah to be 11.5 times higher than the comparable rate in neighbouring Kuwait. Another study of 56 families in Fallujah, and a metal analysis of hair samples from them, shows public contamination with two well-known neurotoxic metals - lead and mercury used in the manufacture of present-day ammunition. Hair metal data from Fallujah showed lead to be five times higher in the hair samples of children with birth defects compared to children who appeared normal. Mercury was six times higher. Al-Sabbak, (2012), op.cit. Metal contamination and the epidemic of congenital birth defects in Iraqi cities. Bulletin of environmental contamination and toxicology, 89(5), 937–44.

[5] Fathi, R. A., Matti, L. Y., Al-salih, S., &Godbold, D. (2013). Environmental pollution by depleted uranium in Iraq with special reference to Mosul and possible effects on cancer and birth defect rates, (February 2014), 37–41.

[6] Al-faluji, A. A. R., Ali, S. H., & Al-esawi, A. A. J. (2012). Incidence of cancer in Fallujah above 10 years age with over view of common cancers in 2011. 4(9), 591–596.

those found among the Hiroshima and Nagasaki atomic bomb survivors, who were exposed to intense radiation. The rate of leukaemia is 38 times higher, the childhood cancer rate is 12 times higher, and breast cancer is 10 times more common than in populations of Egypt, Jordan, and Kuwait. Heightened levels of adult lymphoma and brain tumors are also observed. The is no governmental response to these issues.

Infant Mortality Rate

The infant mortality rate (IMR) is one of the most important indicators of health status and life quality. The rise of the IMR is attributed to dissatisfied hygienic requirements; and unfavourable environmental factors, economical conditions, environmental sanitation and medical care.[7] In Fallujah, the IMR rate is disturbingly - during 2010 and 2011 found to be 49.5/1000 live births and 48.27/1000 live births successively. It is high compared to that of other areas in Iraq and Iraq neighbour countries [8].

The government of Iraq does not undertake efficient actions to fulfil its international commitment to safeguard the right to health. According to Dr Omar Al-Kubaisy, prominent Iraqi cardiologist, the part of the state budget allocated to health, medical care, and education, which part does not exceed two or three percent of the total budget, is insufficient.[9] Moreover, there is a significant disregard of the first aid services, primary health care services, and health prevention, including maternity centres and immunisation programs for children. Also, financial and administrative corruption in the Iraqi Ministry of Health and the dependence on non-professional cadres that relies on sectarian affiliation and exclusion from medical care makes it more difficult. The breakdown and continued deterioration of health infrastructure and services such as providing clean water and electricity in hospitals, the lost control on pharmaceutical industry, contributes to a disastrous.[10]

Recommendations:

- The UN and the Human Rights Council to ensure that all human rights violations committed in Iraq to be investigated by an international independent body;
- The reinstatement of the position of a Special Rapporteur for Iraq.
- In order to ensure a reasonable level of healthcare, the international community and the Iraqi authorities should:
  - Make a thorough assessment of the healthcare situation in Iraq;
  - Ensure an environmental clean-up, undertaken and financed by those responsible for the use of depleted uranium and other toxic agents that are susceptible to the worrying increase of cancer and birth defects.

**Geneva International Centre for Justice (GICJ), BRussels Tribunal, Arab Lawyers Association- UK, Association of Humanitarian Lawyers (AHL), The International League of Iraqi Academics (ILIA), The Iraqi Commission on Human Rights (ICHR), Women Will Association (WWA), Organization for Widows and Orphans (OWO), Ikraam Center for Human Rights, Belgian Peace Movement, Ligue camerounaise des droits de l'homme, Monitoring Net of Human Rights in Iraq (MHRI), Women Solidarity for an Independent and Unified Iraq, Alliance to Renew Co-operation among Humankind, International Coalition against War Criminals (ICAWC), Medical Aid for the Third World, Association of Iraqi Diplomats (AID), The African Association of Human Rights (AAHR), Protection of Human Rights Defenders in the Arab World, Moroccan Association for the Right to a Fair Trial, Americans Against the War (France), General Federation of Iraqi Women (GFIW), The International Action Center (IAC), American Worker,

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[7] Abdulghani, S. T., Hameed, A. A., &Alfayadh, Z. T. (2013). Causes and Differentials of Infant Mortality in the Pediatrics Wards in Fallujah General Hospital, 3(4), 1178–1186.

[8] Kuwait (7.87 deaths/1000 live births), Islamic Republic of Iran (41.11/1000 live births), Syria (15.12 deaths/1000 live births), Turkey (23.07 deaths/1000 live births), Jordan (15.83 deaths/1000 live births), Saudi Arabia (15.61 deaths/1000 live births).

[9] Dr Omar Al-Kubaisy : http://www.dhiqar.net/Art.php?id=33500

[10] Ibid

Association of Iraqi Intellectuals and Academics, The International Network of Arab Human Rights NGOs, America In Solidarity, Federacion De Mujeres Cubanas, Association of Victims of American Occupation Prisons, International Anti-Occupation Network (IAON), International Lawyers.org, International Society of Iraqi Scientists, The Perdana Global Peace Foundation, Kuala Lumpur Foundation to Criminalise War, Spanish Campaign against the Occupation and for Iraq Sovereignty- CEOSI, Arab Cause Solidarity Committee, Iraq Solidarity Association in Stockholm, El Taller International, World Courts of Women, Center for Development Studies- India, Wariscrime.org, Action Center for Justice, 1% A Peace Army.org, A Bigger Tent.org, Agir contre la guerre (France), American Voices Abroad (Berlin, Germany), American Voices Abroad Military Project (Europe), Anti War Fair, Arizona Christian Peacemakers, Armbands for Peace, Arms Against War, Artists Against the War, Backbone Campaign, Be the Change, Become Active, Bike for Peace (Germany), Bill of Rights Defense Committee, Bird Dogger Org., Children of Iraq Association (UK),Bloomington Peace Action Coalition (IN), Blue State News Only, Boston Mobilization, Bring Democracy Back, Bring Them Home,Butterfly Gardeners Association, Citizens for Accountability on Iraq, California for Democracy, Camp Casey Blog, Camp U.S. Strike for Peace Campaign, Campaign Against Sanctions and Military Intervention in the Islamic Republic of Iran, Canada Watch, Carolina Peace Resource Center (SC), Cartoon Free America, Catalysts of Hope, Central Colorado Coalition on the Iraq War, Chester County Peace Movement (PA), Cindy Sheehan Org., Cities for Peace, Citizens for Legitimate Government, Citizens for Peace & Justice, Human Rights for all-Morocco, Christian Clergy For Impeachment.com, Clothing of the American Mind, Coalition Against Election Fraud, Coalition for Impeachment Now (COIN), Code Pink, the Iraqi Association for Human Rights (IAHR), Al-Basa'er Media Association, Consumers for Peace.org, Dhafir Trial.org, DC Anti-War Network.org, Democracy Action, Democracy for America Meetup (Birmingham, AL), Olympia Citizens' Movement to Impeach Bush/Cheney (WA), One Million Reasons, Operation Cease Fire, Operation Impeachment, Orange County Grassroots (CA), Out of Iraq, Out of Iraq Bloggers Caucus, Patrick Henry Democratic Club, Patriotic Pulse, Patriots for Gore, Peace Action, Peace Action Wisconsin, Peace and Accountability, Peace Drum, Peace Majority, Peace Movement Aotearoa (New Zealand), Peace Reso.org, Peninsula Peace and Justice Center (Palo Alto, CA), People's Campaign for the Constitution, People Powered Impeachment, People's Email Network, People's Glorious Five Year Plan, Picnic to Impeach, Pixel4Peace.org, Playing in Traffic, PledgeToImpeach.org, Political Cooperative, Politics and Art, Progressive Action Alliance, Progressive Action Center, Progressive Avenues, Progressive Democrats of America, Progressive Democrats of Hawaii Project Filibuster, Project for the OLD American Century, Refusing to Kill.org, Rescue Our Democracy, Sacramento for Democracy (CA), St Pete for Peace (FL), Sampsonia Way, San Diego for Democracy, School of the Americas Watch, Sheehan for Congress, South Florida Impeachment Coalition, South Mountain Peace Action (Maplewood & South Orange, NJ), Springs Action Alliance (CO), Stop the War Coalition (UK), Students for Impeachment, Students Towards a New Direction (STAND), Summit County Progressive Democrats (OH), The Known UnKnowns, The Politically Incorrect Cabaret, The Rational Response Squad, Think Blue Dems, Time for Accountability, Toronto Coalition to Stop the War (Canada), Torture Abolition and Survivors Support Coalition International, True Blue Liberal.org, Trumansburg Impeachment (NY), Truth Empowered, Truthtelling Project, UC Nuclear, Underground Action Alliance, Unitarian Universalist Peace and Justice Group (Nantucket, MA), United Blue USA, United for Veterans (Wayne, MI), United Progressives, Upbeat Defiance, US Peace Memorial, US Tour of Duty: Iraq Veterans and Military Families Demand the Truth, Velvet Revolution, Vet Gulf March, Veteran Intelligence Professionals for Sanity, Veterans for Peace, Chapter 27, Virginia Grassroots Coalition, Voters for Peace, We the People for Peace, We the People Network, We the People Now, We The People United Bangladesh.org, Peace Surge, Peace and Justice Action League of Spokane (WA), Stop the War (UK), U.S. Peace Council, World Can't Wait.org, World Prout Assembly, Komite Internazionalista- Basque, Asociación Paz, Igualdad y Solidaridad Internacional, Arab Cause Solidarity Committee, Iraq Solidarity Association in Stockholm, Málaga, Spain, Stop Fascism Action Network, The Asian Jurists Centre, Association of Human Rights Defenders in Iraq (AHRDI), The African Center for Human Rights (ACHR), Veterans for Peace, Your Declaration of Independence.org , Arab Lawyers Network-UK, Conservative Centre of Environmental & Reserves in Fallujah (CCERF), Willie Nelson Peace Research Institute, Studies Centre for Human Rights and Democracy, The Iraqi Centre for Human Rights, Association internationale des droits de l'homme, NGO(s) without consultative status, also share the views expressed in this statement. 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